

CHAPTER NINE

ARTICLE I Motor and Other Vehicles

9.1.1 Definitions

(a) The term "public street" as used in this Article shall include any Public street, highway, alley, or bridge in the Town.

(b) Other terms used in this Article shall be defined in accordance with the definitions contained in Article 1, Chapter 17A of the Code of West Virginia, as amended.

9.1.2 General Requirements as to Speed – No person shall drive a vehicle on a public street in the Town at a speed greater than is reasonable and prudent under the conditions, and having regard to the actual and potential hazards then existing. In every event, speed shall be controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the public street in compliance with legal requirements and the duty of all persons to use due care.

9.1.3 Special Speed Restrictions

(a) Where no special hazard exists that requires lower speed for compliance with Section 9.1.2 of this Article, the speed of any vehicle on a public street other than U.S. Route No. 60 not in excess of limits specified in this section shall be lawful, but any speed on a public Street other than U.S Route No. 60 in excess of the limits specified in this section shall be unlawful.

(b) The speed limit throughout the Town for all motor vehicles, except on U.S. Route 60 shall be 15 miles per hour. All ATV's, UTV's, SXS's, Golf Carts, ETC, must give right of way to motor vehicles.

(c) Notwithstanding the speed permitted under subdivision (b) of this section, and consistent with the requirements of Section 9.1.2 of this Article, the driver of every vehicle shall drive the same at an appropriately reduced speed when approaching and crossing an intersection or railroad grade crossing, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or the conditions of public streets.

9.1.4 State Law Applicable—So far as the same are applicable, and so far, as the same are not in conflict with the provisions of this code or of any ordinance of the Town, the provisions of Chapter 17C of the Code of West Virginia of 1931, as amended, shall be applicable throughout the Town of Glasgow and hereby adopted by reference as ordinances of this town. The violation by any person of any such provision of the said Chapter 17C of the Code of West Virginia shall constitute a violation of an ordinance of the Town. Any provisions Of Chapter 17C of the Code of West Virginia of 1931, as amended, shall be conclusively presumed to be applicable to the Town of Glasgow unless it is found unequivocally to be inapplicable to the town.

#### CROSS REFERENCES

Acts prohibited by operator, penalties for violation – 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 17-F-1-8

Definition of all terrain and utility terrain vehicle – WV Code 17F-1-9

#### 9.1.5 Unsafe Motor Vehicles

(a) Purpose- The purpose of this Ordinance is to ensure the public safety of the resident of the Town of Glasgow by prohibiting any use of unsafe vehicles on the public streets, right of ways and the alleyways, and to permit the use of ATV'S, UTV's, SXS'S, Golf Carts **to be operated within the city limits of the town.** The amended Ordinance read as follows: Off road vehicles (as defined in definitions) can only be operated going to and from place of residence, to the Post Office, Businesses, Boat Dock, and the Railroad Avenue access point.

#### **No All-Terrain vehicle may be operated in the city:**

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:

The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

The operator yields his or her right-of-way to all oncoming traffic that constitutes an immediate potential hazard.

Both the headlight and taillight are illuminated when crossing is made if the vehicle is so equipped.

With more than one passenger unless more passengers are allowed under manufacturer recommendations.

With a passenger under the age of 16, unless the operator has at a minimum a level two intermediate driver's license or its equivalent or is 18 years of age or older.

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. 21 or Snell safety standards for protective headgear for vehicles users.

At speed in excess of miles per hour.

Anytime from 10 pm to sunrise unless returning home from riding outside city limits or the city fishing dock.

This does not apply to the operation of an all-terrain vehicle on any private or public recreational trail or area or affiliated trail or area operated by a person or entity which has in place a safety program.

**Notwithstanding any provision of this article to the contrary, an all-terrain vehicle may be operated in this city to allow participation in parades, exhibitions, and other special events, in emergencies or for specified purposes as defined in Section-Permit.**

(b) Finding of Facts

(1) The Town Council is responsible for the protection of the residents of the Town of Glasgow.

(2) To ensure the public safety the Town Council finds that all unsafe motor vehicles should be prohibited from using the public streets, right of ways and alleyways in the corporate limits of the Town of Glasgow.

(c) Definitions

(1) Motor Vehicle means for the purpose of this ordinance any automobile,

truck, motorcycle, moped, all-terrain vehicles (ATV's), UTV'S, SXS's (side by sides), Golf Carts, and gas-powered scooters.

(2) Driver means every person who drives or is in actual physical control of a vehicle.

(3) Residential street, right of way or alley way means the entire width between boundary lines of every way, whether publicly or privately maintained, located within any subdivision, development, or other similar area used primarily for residential purposes when any part thereof is open to the common use of those living in said area for the purpose of vehicular travel and located within the corporate boundaries of the Town of Glasgow.

(4) All-terrain vehicle or ATV means any motor vehicle designed for off-highway and designed to travel on not less than three low-pressure tires, having a seat(s) 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. UTV means or refers to vehicles termed as side by sides (often written as SXS) is a small 2 to 6-person four-wheel drive off-road vehicle, also called UTV (utility vehicle or utility task vehicle) Golf Carts. 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. Off-highway vehicle means a vehicle that is intended for off-highway use and includes all-terrain vehicles, utility-terrain vehicles, motorcycles and off-road vehicles. 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. Gas powered scooters means a two-wheeled vehicle designed for one person not requiring a license or registration.

(d) Violation

(1) It shall be unlawful to drive or move any unsafe vehicle on any public street, right of way or alleyway within the corporate limits of the Town of Glasgow.

(2) All motor vehicles operators must be 16 years of age or older and possess a valid driver's license. A permit to operate an ATV/ ALL TERRAIN VEHICLES (ATV's), (UTV's) (utility vehicle or utility task vehicle) a Side by Side (SXS) or other specialty vehicle will be issued for the purpose of utilizing said vehicle while performing labor related to lawn work, snow removal or taking the vehicle to point A to point B for the purpose of operating it in off road

or non-public or private property. Joy riding & or cruising is not permitted. The permit will be a yearly requirement for operation of said vehicle within city limits for the purpose stated above. The cost of the permit will be twenty-five dollars (\$25) per year. In the event a non-resident wishes to bring an ATV into Glasgow town limits to be operated under the same provisions, a permit will be required at a cost of fifty dollars (\$50) per year.

(3) All ATV, UTV, SXS, Golf Cart operators must abide by all noise ordinances (7.1.16). This shall be honored by all riders at all times. All ATV, UTV, SXS, Golf Cart's, ETC that are gasoline powered shall have a properly functioning muffler and USPS approved silencer, packing or spark arrestor as required by the manufacturer. Every ATV/UTV specialty vehicle operated shall be inspected by the Glasgow Police Department for safety and conformity standards as previously outlined.

Inspection shall require valid vehicle proof of insurance, the primary operator shall possess a valid operator's license.

Providing all conditions are met, the Glasgow Police Department shall issue a Town of Glasgow UTV/ATV specialty vehicle permit. A copy of said register shall be maintained at the Glasgow Police Department. Registration shall include the following:

Make, model year, vehicle identification number, and color of vehicle. Inspections will be performed and completed yearly by the Glasgow Police Department. All licenses expire at midnight on December 31 of each perspective year.

The Glasgow Police Department may revoke said licenses for any road law violation occurring while exercising said license.

#### (4) LIABILITY

The ATV, UTV, SXS, Golf Cart, rider must provide liability insurance. The town of Glasgow will not be responsible for any traffic crash that may occur on city streets. Nothing contained within this ordinance is intended, no 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 Glasgow or any of its officers, official, 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 Glasgow related, in any

manner, to the enforcement or non-enforcement of this ordinance by the city's officers, officials, employees or agents.

#### (5) OPERATING CONDITION OF VEHICLE / LIGHTS

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

LIGHTS – Each ATV, UTV, SXS, Golf Cart, 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.

#### (6) Private Property Exemption:

The article does not apply if the all-terrain vehicle is operated exclusively on lands owned or leased by the vehicle owner or on private lands of others with the owner's permission.

#### (7) SAFETY EQUIPMENT

All persons riding an ATV, UTV, SXS, must wear a (DOT, SNELL) helmet and protective eye gear, which is approved by the national safety code. No helmets required for Golf Carts.

At all times the Town of Glasgow will promote the use of safety equipment for all persons riding on city streets. ATV, UTV, SXS, Golf Cart, operators must adhere to the manufacturer's specifications for passengers.

#### (8) LAW ENFORCEMENT

The Town of Glasgow Police Department is to provide a reasonable assistance to any ATV, UTV, SXS< Golf Cart, operator and enforce all applicable traffic regulations as well the use of designated streets and roads. Any police officer of the Town of Glasgow may issue traffic citations for any violation of any city ordinance. An ATV, UTV, SXS, Golf Cart, 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 Glasgow Police shall have the full and complete authority to ban any ATV, UTV, SXS, Golf Cart,

operator.

(9) Criminal Penalties:

Any person who owns or has control over an all-terrain vehicle and knowingly permits it to be used in violation of this article, upon conviction thereof, shall be fined not more than \$100.00.

Any parent, legal guardian or person who has actual responsibility for a child under 18 years of age who knows or should have known the child operating or is a passenger on an all-terrain vehicle without a helmet as required by the provisions 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 \$50.00 nor more than \$100.00 or not more than ten hours of community service, or both.

(2) For a second offense, a fine of not less than \$100.00 nor more than \$200.00 or not more than 20 hours of community service, or both.

(3) For a third and subsequent offense a fine of not less than \$200.00 nor more than \$500.00 or not more than 100 hours of community service, or both.

(e) Exceptions – The exceptions that are incorporated into this ordinance as a to motor vehicles shall include motor driven wheelchairs, children’s battery driven riding toys that cannot exceed 5 miles per hour, and any and all vehicles and machinery used in the maintenance or operations of the Town of Glasgow.

1<sup>ST</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading \_\_\_\_\_

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Mayor-Donald Fannin

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Recorder- Jay Ward