

Chapter 23

Concerning ATV's, UTV's, other Off-Road Vehicles, and permitting for use in Municipal Limits

- I. Definitions:
 - a. As used in this chapter:
 - i. "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.
 - ii. "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.
 - iii. "Off-highway vehicle" means a vehicle intended for off-highway use and includes all-terrain vehicles, utility-terrain vehicles, motorcycles and off-road vehicles;
 - iv. "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 these Ordinances, "all-terrain vehicle", "ATV", and "vehicle", or the plural, mean all-terrain vehicles, utility-terrain vehicles, Off-highway vehicle, and Off-road vehicle.
- II. Information Dissemination
 - a. There shall be signs placed at Major Town Entrances, on Rt 10, Rt 119, and Crawley Creek Road, as well as any road used to access the Town of Chapmanville from future Hatfield McCoy Trails, explaining certain basic ATV regulations.
 - b. The Town of Chapmanville shall make available to the public a pamphlet with a detailed summary of ATV regulations
- III. Designation of ATV Approved roads
 - a. The Mayor of the Town of Chapmanville will designate which streets allowed for travel by ATV's, subject to the approval of a majority of the Town Council at any regular meeting of the Town Council. These streets shall be designated on a map of the Town of Chapmanville and be made available to the public;
 - i. The Mayor shall cause for this map to be updated within Thirty (30) days of any changes to the list of roads approved for use.
 - b. The Mayor shall cause for a list of these roads to be maintained and updated as roads are added or removed in accordance with the decisions of the Town Council.
 - c. Roads that access areas of town that are exclusively residential shall be considered off limits to ATV's unless otherwise designated by the Mayor and Town Council.
- IV. Requirements and Regulations for ATV's and their drivers on public roads.

- a. Any and all ATV Traffic upon the streets or any property of the Town of Chapmanville Shall be properly licensed in accordance with all local, state, and federal rules and regulations. This shall include, but not be limited to, the rules and regulations of the Hatfield-McCoy Trail System which shall be available for review at City Hall, Town of Chapmanville during regular business hours.
- b. In addition to the local, state, and federal rules and regulations, the Town of Chapmanville requires the following regulations be met by any and all ATV operators:
 - i. Any operator shall be a bona fide holder of a valid Hatfield-McCoy permit or a Town of Chapmanville ATV permit and said permit be conspicuously displayed.
 1. A town of Chapmanville issued ATV permit shall be available only to those who reside within the Municipal limits of the Town of Chapmanville.
 - ii. Any and all cruising on the streets of the Town of Chapmanville shall be prohibited. Cruising shall be defined as operating an ATV with no specific purpose related to business, or traveling to and from the expected Trail Head of the Hatfield-McCoy Trail System. An ATV operator who passes the same point more than ~~five (5)~~ three (3) times within one (1) hour shall be deemed to be cruising, and a duly authorized law-enforcement officer may cite the operator for cruising, which shall be a moving violation.
 - iii. Any operator shall be sixteen (16) years of age or older, ~~and~~ possess a valid motor vehicle operator's license issued by the State of West Virginia or by the home state of the operator, and shall have proof of completing an ATV Safety Course.
 - iv. Each ATV shall be maintained in a proper and safe operating condition which shall include, but not be limited to, front and rear lights, brakes, and exhausts.
 - v. Any ATV operated on the streets of the Town of Chapmanville shall be insured for liability in an amount no less than that required by the State of West Virginia for passenger automobiles, and a valid certificate of insurance or its equivalent shall be immediately available for examination by a duly authorized law-enforcement officer.
 - vi. Travel of any ATV on any street or road other than those designated is prohibited. A duly authorized law-enforcement officer may cite any ATV operator traveling on prohibited streets or roads ~~this shall be as~~ as a moving violation.
 - vii. Any ATV operated with the Town of Chapmanville shall observe a maximum 15 miles per hour speed limit, this will be posted with other speed limit signs within municipal limits.
 - viii. Any ATV operated within the Town of Chapmanville shall have their lights in the on position and be lit.
 1. Flood lights, light bars, or any other apparatus designed to brightly illuminate an area, that can potentially overwhelm other drivers sight shall not be lit within Municipal Limits.
 - ix. ~~No ATV may be operated upon the streets of the Town of Chapmanville from dusk to dawn unless specifically authorized to do so in writing by a Resolution from the Mayor of the Town of Chapmanville,~~ No ATV may be operated upon

the streets of the Town of Chapmanville from dusk to dawn, except when traveling on Crawley Creek Road or Route 10. Any other operation during these hours shall require prior written authorization by Resolution of the Mayor of the Town of Chapmanville.

- x. An ATV operator may not carry a passenger unless the ATV is specifically equipped to do so.

All ATV passengers must be seated in factory installed seats, remain seated, and use safety restraints such as seat belts while the vehicle is in motion

- xi. The ATV operator and passengers must wear a DOT, SNELL, or other approved helmet and protective eye gear.

The ATV Operator and passengers must wear helmets meeting 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, and protective eye gear

- xii. All ATV operators must obey all local and state traffic laws, rules, and regulations.

V. Town of Chapmanville ATV Permit

- a. The Mayor shall cause for the creation of a Town of Chapmanville ATV Permit
- b. This permit shall cost Five (5) Dollars per year and will be available only to residents.
- c. This permit shall be applicable by calendar year. With January 1 being the beginning and December 31 being the end of a permits period.
- d. Residents applying for this permit must show proof of completion of an ATV Safety Course.
- e. Exemptions Granted for Town Permit Holders
 - i. Residents with a Town of Chapmanville issued ATV Permit will be exempt from the road restrictions as described in Section III.c
 - 1. A maximum speed limit of ten (10) miles per hour will be enforced in residential areas.
 - ii. ATV use in residential areas after Dark will be permitted solely for the purpose of travel to one's residence, with no authorization for travel to any other location.
- f. Issued ATV Permit will be in the form of a weatherproof sticker or decal, and shall be affixed to the rear-facing portion of the ATV in a clearly visible location, unobstructed and readily identifiable by law enforcement.

VI. Enforcement and Fines

- a. Fines
 - i. The fine for each non-moving violation of this ordinance is \$85.00 per occurrence.
 - ii. The fine for each moving violation of this ordinance is \$100.00 per occurrence.
 - iii. Each fine is due and payable to the Town of Chapmanville, and may be paid to the Town Clerk.
 - iv. In the event the ATV operator disputes a citation, the ATV operator must file a written request with the Town Clerk, seeking a hearing before the Municipal Judge. The hearing before the Municipal Judge shall be in accordance with the

procedures established in the ordinances for the Town of Chapmanville for hearings on traffic violations.

b. Enforcement

- i. The Police Department of the Town of Chapmanville is to provide a reasonable assistance to any ATV operator and enforce all applicable traffic regulations as well as the use of designated streets and roads.
- ii. Any Police Officer of the Town of Chapmanville may issue traffic citations for any violation of this ordinance.
 - 1. The ATV operator found in violation of any rule or regulation as set forth herein may be prosecuted to the fullest extent of the law.
- iii. After a hearing concerning any violation of this ordinance, and upon being directed to do so by the Mayor of the Town of Chapmanville, the Police Department of the Town of Chapmanville shall have the full and complete authority to ban any ATV operator who violates this ordinance from the use of any ATV within the Town of Chapmanville.

c. Exceptions

- i. The Mayor or his/her representatives may grant temporary and reasonable exceptions to the provisions of this ordinance, such as the use of an ATV in approved parades, emergencies, or disasters.
 - 1. There shall be no exception for safety equipment, such as seat belts, safety restraints, helmets, or passengers for normal ATV use by Town Departments or Employees.

VII. Effective Date

The effective date of this Ordinance shall be January 1 2026

FIRST READING: 08/12/25

SECOND READING: 09/09/25



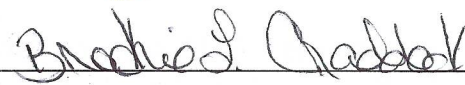
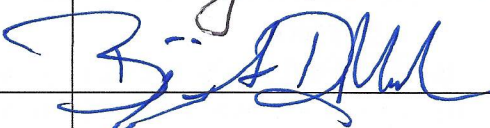
THIRD READING and Adoption: 10/16/25



Mayor Joel McNeely



Recorder Phillip Williamson

Council