

**AN ORDINANCE
PROHIBITING THE OPERATION OF ALL-TERRAIN VEHICLES WITHIN
THE BOUNDARIES OF MEADOW VILLAGE SUBDIVISION LOCATED
WITHIN THE UNINCORPORATED COMMUNITY OF GOOD HOPE,
HARRISON COUNTY, WEST VIRGINIA**

WHEREAS, Chapter 17 F-1-3 of the West Virginia Code authorizes County Commissions, upon receipt of a petition from the homeowner association, to prohibit the operation of all-terrain vehicles upon any street, road or avenue regulated by the homeowner association, and

WHEREAS, the Meadow Village Homeowner's Association has petitioned the County Commission to prohibit the operation of all-terrain vehicles on any street, road or avenue regulated by the Meadow Village Homeowner's Association.

NOW, THEREFORE BE IT ORDAINED BY THE HARRISON COUNTY COMMISSION that the operation of all-terrain vehicles on all roads, streets and avenues regulated by the Meadow Village Subdivision shall be prohibited.

Section I. EXEMPTION FOR FARM, COMMERCIAL USE

Nothing in this ordinance may be construed to preclude or limit the use or operation of all-terrain vehicles for lawful, non-recreational, commercial purposes, including but not limited to, farm use, oil and gas operations, timbering, surveying and public utilities access.

Section II. DEFINITION

All-terrain vehicle or 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.

Section III. LIABILITY

Nothing contained in 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 Harrison County Commission or any of its officers, officials, employees or agents, for any injury or damage resulting to any person whomsoever as a consequence of any action or inaction on the part of the Harrison County Commission as related in any manner to the enforcement or non-enforcement of this ordinance by the Commission's officers, officials, employees or agents.

Section IV. INVALID PROVISIONS

The provisions of this ordinance are severable and in the event that any provisions or part hereof shall be held invalid for any reason by any Court exercising competent jurisdiction, then such invalidity shall not be deemed to affect or impair any of the other provisions of this ordinance not specifically held to be invalid.

Section V. 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 county ordinance enacted pursuant to the provisions of Chapter 17F-1-3 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 one hundred dollars.

(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 Chapter 17F-1-1 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 fifty dollars nor more than one hundred dollars or not more than ten hours of community service, or both;
- (2) For a second offense, a fine of not less than one hundred dollars nor more than two hundred dollars or not more than twenty hours of community service, or both;
- (3) For a third or subsequent offense, a fine of not less than two hundred dollar nor more than five hundred dollars or not more than one hundred hours of community service, or both

Section VI. EFFECTIVE DATE

This Ordinance shall be deemed effective seven (7) days following the third reading, passage and adoption by the Harrison County Commission.

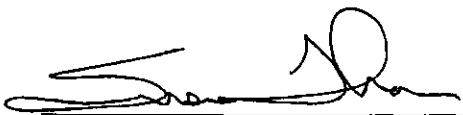
INTRODUCED and PASSED at a regular meeting by the Harrison County Commission on first reading this 9th day of April, 2009

INTRODUCED and PASSED at a regular meeting by the Harrison County Commission on second reading, this 30th day April 2009

PASSED and ADOPTED at a regular meeting by the Harrison County Commission on third and final reading and public hearing, this 30th day of July, 2009


President, Harrison County Commission

ATTEST:



Susan Thomas, County Clerk