
PART THREE — TRAFFIC CODE

ARTICLE 316 All-Terrain Vehicles

- 316.01 Prohibition of operation and use of all-terrain vehicles.**
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CROSS REFERENCES

Definition of "all-terrain vehicle"—see WV Code 17A-1-1(ii)

316.01 Prohibition of operation and use of all-terrain vehicles.

- (a) The riding, operation, or other use of all-terrain vehicles for transportation or recreational purposes, within or upon the street, alleys, sidewalks, parking lots, and other governmentally-owned, leased or controlled property situate within the limits of the Corporation of Harpers Ferry is prohibited.
- (b) Any violation of subsection (a) hereof constitutes the commission of a misdemeanor criminal offense, and the police department of the Corporation of Harpers Ferry, or any other officer of any other police agency exercising proper jurisdiction within the Corporation, is hereby authorized and empowered to issue a citation and to charge any person who commits a violation of subsection (a) hereof, jurisdiction thereof being in the Municipal Court of the Corporation of Harpers Ferry.
- (c) Any person being convicted of a first offense established hereunder shall be fined not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), plus applicable courts costs.
- (d) Any person convicted of a second offense established hereunder shall be fined not less than fifty dollars (\$50.00), nor more than two hundred fifty dollars (\$250.00), plus applicable court costs.
- (e) Any person convicted of a third or further offense established hereunder shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), plus applicable court costs. (Ord. 2013-01, passed 02-11-2013.)

316.02 Exceptions.

Notwithstanding any other provision of this article, it shall not be an offense for any person to lawfully ride, operate, or otherwise use an all-terrain vehicle upon any private property located within the limits of the Corporation of Harpers Ferry with the express permission of the property owner. (Ord. 2013-01, passed 02-11-2013.)

316.03 Liability.

Nothing contained within this article is intended to create, nor shall be construed as to create or form the basis for, any civil or administrative liability whatsoever on the part of the Corporation of Harpers Ferry, or any of its officers, 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 Corporation of Harpers Ferry relating in any manner to the enforcement or non-enforcement of this ordinance by City officers, officials, employees, or agents. (Ord. 2013-01, passed 02-11-2013.)

316.04 Definitions.

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For the purpose of this ordinance, the term “all-terrain vehicle” shall be defined as set forth in West Virginia Code 17-A-1-1(ii). (Ord. 2013-01, passed 02-11-2013.)

316.05 Severability.

The provisions of this article are severable and in the event that any provision, or part thereof, 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 or parts of this article not specifically held to be invalid. (Ord. 2013-01, passed 02-11-2013.)