

At a Regular Session of the County Commission of Kanawha County, West Virginia, held at the Courthouse thereof, on the 27th day of May, 2004, the following was made and entered:

**SUBJECT: PROPOSED KANAWHA COUNTY
 SAFE ROADS
 ORDINANCE B**

WHEREAS, the State of West Virginia passed House Bill 4022, which amends the West Virginia State Code by adding a new chapter, designated Chapter 17F. All-Terrain Vehicles; and,

WHEREAS, this Bill will become law on May 26, 2004; and,

WHEREAS, Chapter 17F-1-3, states the County Commission of any county which has in effect and is operating under a countywide comprehensive plan may by lawfully enacted ordinance regulate or prohibit the operation of all-terrain vehicles on any road in the county, except interstate highways; provided that any county which enacts any such ordinance shall notify the West Virginia State Police and all law enforcement agencies in the county of its action in writing, together with a copy of the ordinance; and,

WHEREAS, at the direction of the Kanawha County Commission the Kanawha County Planning Commission has conducted a series of eight public community input meetings regarding additional all-terrain vehicle regulation; and,

WHEREAS, input was received from residents in the communities of Sharon Dawes Elementary, DuPont Middle School, the Charleston Lodge of the Fraternal Order of Police, Alum Creek Elementary School, Sissonville high School, South Charleston High School, Anne Bailey Elementary School and George Washington High School; and,

WHEREAS, from these meetings there were a number of residents requesting that all-terrain vehicles be prohibited from traveling on public roads due to the narrow road conditions as well as concern for the safety of the operators of licensed motor vehicles as well as the operators of all-terrain vehicles; and,

WHEREAS, additional public input has been received through a number of phone calls, emails and letters both in support of all-terrain vehicle regulation and in opposition to additional regulation; and,

WHEREAS, according to reputable and nationally recognized manufacturers of ATVs they warn against improper use of ATVS as they are unsuitable and unsafe on public roads and paved surfaces; and,

WHEREAS, in 2003 there were 262 all-terrain vehicle related injuries treated in the trauma centers in the State of West Virginia, this figure does not include injuries treated in emergency rooms throughout the State; and,

WHEREAS, 33% of injuries occurred on paved roads; and,

WHEREAS, as of May 1, 2004 there have been 6 deaths reported as a result of all-terrain vehicle useage; and,

WHEREAS, banning all-terrain vehicles from public roads would be for the betterment and safety of the general public who use the same roads for transportation; and,

WHEREAS, the banning of all-terrain vehicles does not include any roads within municipalities; and,

WHEREAS, this action does not effect the municipalities' ability to regulate all-terrain vehicles as long as the appropriate law enforcement agencies are notified of such action; and,

NOW, THEREFORE, BE IT RESOLVED THAT, all-terrain vehicles shall be banned and prohibited from any road in the unincorporated areas of Kanawha County, excluding interstates, except all-terrain vehicles shall be allowed to cross a public road at an angle of approximately ninety degrees to the direction to the public road where there is no obstruction preventing a quick and safe crossing providing that the operator has a valid driver's license.

The following motion was offered by W. KENT CARPER,
Commissioner.

The Kanawha County Commission hereby adopts the above Kanawha County Safe Roads Ordinance B.

The adoption of the foregoing motion having been moved by:

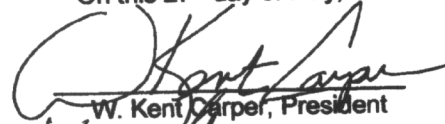
W. KENT CARPER, Commissioner, and duly seconded by

HENRY C. SHORES, Commissioner, the vote thereon was as follows:

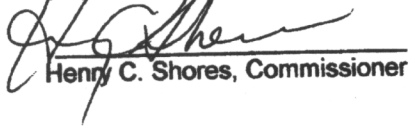
W. Kent Carper, President	<u>AYE</u>
Henry Shores, Commissioner	<u>AYE</u>
Dave Hardy, Commissioner	<u>NO</u>

WHEREUPON, W. Kent Carper, President, declared said motion duly adopted and it is hereby ADJUDGED and ORDERED that said motion be, and the same is hereby adopted.

Presented by the
Kanawha County Commission
On this 27th day of May, 2004



W. Kent Carper, President



Henry C. Shores, Commissioner

Dave Hardy, Commissioner

Approved 

County Attorney