

**ORDINANCE TO PROVIDE THE USE OF ALL-TERRAIN AND  
RECREATIONAL VEHICLES WITHIN TOWN LIMITS**

**WHEREAS** the Town of Pennington Gap desires to promote tourism and recreation activities within the Town and the areas adjacent to the Town because of the community benefit it provides and the positive economic impact it has on our community; and

**WHEREAS** the Southwest Virginia Spearhead Trail Authority and Lee County are seeking to establish a system of all-terrain recreational vehicle (ATV) trails in Lee County, adjacent to the Town; and

**WHEREAS** the Town desires to increase the number of visitors to the area and the length of time visitors stay in the area thereby encouraging the use of Town businesses; and

**WHEREAS** Virginia Code Section 15.2-1806 allows the establishment, conduct and regulation of the system of trails for all-terrain vehicles, off road motorcycles, or both and Virginia Code Section 46.2-915.2 allows the use of ATVs, GOLF CARTS AND UTILITY VEHICLES on the public streets or other public property of the Town as theorized by the Town;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Pennington Gap, Virginia, at its regular meeting on August 17,2015 that the Town does hereby adopt the following provisions as an ordinance of the Town:

1. *For the purpose of this Ordinance "RECREATIONAL VEHICLE" shall have the meaning ascribed to it in Virginia Code Sec. 46.2-916.2 THROUGH 46.2-916.3 AND 46.2-915.1 THROUGH 46.2-915.3*

2. *The operation of any such vehicle shall be subject to the following conditions or restrictions:*

A. *The operator of an such vehicle shall be sixteen (16) years of age or older, and MUST POSSESS A VALID DRIVERS LICENSE – NO PERSON SHALL OPERATE ANY VEHICLE IF HIS DRIVERS LICENSE HAS BEEN SUSPENDED OR REVOKED.*

B. *Any person operating such vehicle shall wear a protective helmet of a type approved by the Superintendent of the State Police for use by motorcycle Operators.*

C. *No person operating any such vehicle shall be allowed to operate such a vehicle with a passenger on board unless such vehicle is equipped and designated by the manufacturer to be operated with more than one rider.*

*D. All such vehicles shall have a manufacturer installed or equivalent spark arrester and manufacturer installed or equivalent muffler in property working order and properly connected to the vehicle exhaust system.*

*E. All such vehicle's operators shall, when operating on the streets of the Town, obey all rules of the road applicable to other motor vehicles.*

*F. All such vehicles shall be operated at speeds of no more than the POSTED SPEED LIMIT or NEVER OVER A MAXIMUM SPEED OF 25MPH within the limits of the Town.*

*G. Any such vehicles shall be legally licensed and register with the Spearhead Trail Authority, ATV riders must place permit on the helmet.*

*H. ATV and off-road motorcycle driers, when operated on the streets of The Town must be going to or from Town services, a local Town business, their point of temporary or permanent habitation or a designated trail system. All operators of ATBs must comply with the rules and regulations prorogated by the Spearhead Authority and the Town of Pennington Gap.*

*3. The following described streets and roadways within the Town are hereby designated as open to such vehicle use:*

1. **State Route 621 --** entrance to ATV Trail into Stone Mountain  
ATVs will cross Highway 621 for 100 feet diagonally from Fairground Road (SR T1138) to entrance to ATV Trail.
  - A. "ATVs on Highway" signs will be place on the West end of SR 621 as it crosses Powell River from US Route 421, approximately 500 feet from the Trail Entrance and on the East end of SR 621, approximately 500 feet West of the intersection of Fairground Road. Additional signs will be placed within 100 feet of Trail Entrance into Stone Mountain as additional safety precaution.
  - B. This VDOT road provides access to the Stone Mountain ATV Trail.
2. **SR T1138 (Fairground Road)** –provides access to:
  - on the East side, 100 gravel parking spaces for trucks and ATV trailers, Leeman Field which includes the swimming pool, walking trails, bathrooms and showers, picnic pavilions, amphitheater, and concession stands;
  - on the West side, a 45 unit RV park, Welcome Center and parking for 50 additional trucks with ATV trailers;
  - Fairground Road is within the area already marked for "ATVs on Highway"

3. **SR T1130 (South Kentucky Avenue)** – from intersection with US Route 421 to intersection with US Route 58-A Morgan Avenue. This is the corridor for ATVs to get from the trailhead at Leeman Field and to points of commerce, churches, banks and ATMs and the hospital.
  - A. “ATVs on Highway” signs will be placed on US Route 421, approximately 500 feet North of the intersection of Fairground Road and US Route 421; and approximately 500 feet South of this intersection on US Route 421. Additional signs will be placed within 100 feet of this Intersection for safety precaution.
  
4. **SR T1111 (South Kentucky Ave/Joslyn Ave)** – to the West end of Lee Theatre parking lot to allow ATVerS to attend events at Lee Theatre.
  - A. Signs will be placed 100 feet West on SR T1111, Joslyn Ave., as safety warning for ATVs on Highway
  - B. Points of interest on South Kentucky Avenue: Lee County Rescue Squad (off road rescue services), Pullin Ink – t-shirts, Davis Transmission – ATV repair.
  
5. **SR T640 (Harrell Street)** – South to railroad tracts to allow access to food at Rooster’s Pub and restaurant parking.
  - A. “ATV on Highway” signs: one sign 100 feet South of railroad crossing
  
6. **US Route 58A (Morgan Avenue)** – to the red light at Lee County Community Hospital, and **US Route 58A (Morgan Ave. East)** to the red light at Riverbend Shopping Center intersection.
  - A. Signs on US Route 58A West will be placed approximately 500 feet West of the hospital red light and additional sign at 100 feet from the red light for safety. Signs on US Route 58A East and US Route 421 South will be placed approximately 500 feet from the River Bend Shopping Center red light and additional signs at 100 feet for safety. All intersecting roads between these red lights East and West will be signed “No ATVs” at road or street entrance unless otherwise noted. All intersecting roads will have “ATV on Highway” signs posted approximately 100 feet from the intersections.

*4. The Pennington Gap Town Police Department, Lee County Sheriff’s Department or other policing authority, to include any policing authority of the Spearhead Trail shall have the right to write citations to any individual violating the traffic laws of the Town or Commonwealth of Virginia or violating any safety guidelines as outlined in the Ordinance to include the safety guidelines of the Spearhead Trails Authority.*

Violation of the provisions of this Ordinance, which are not a violation of Chapter 18.2 or Chapter 46.2 of the Virginia Code shall be punishable by a civil penalty of no more than \$500.00.

This Ordinance shall become effective upon the development and opening of a system regulated all terrain vehicle trails operated by Spearhead Trail Authorities within and adjacent to the Town of Pennington Gap, and upon review and approval by VDOT, and upon the posting approved signage on all streets and roads approved for OHV use and on streets and roads not approved for OHV.

Adopted this 17<sup>th</sup> day of August, 2015.