

**RUSSELL COUNTY  
OFF-ROAD RECREATIONAL VEHICLES ORDINANCE**

**WHEREAS** the Russell County Board of Supervisors desires to promote tourism and recreational activities for its citizens due to the benefit it provides, and the positive economic impact tourism has on the community; and

**WHEREAS** the Russell County Board of Supervisors desires to enact this Ordinance governing the use of off-road recreational vehicles in order to provide a safe, suitable, and appropriate venue for the enjoyment of such activities within the County, the enactment and enforcement thereof meeting or exceeding application state and federal laws and which shall be compatible with any statutes, regulations, rules, and other applicable laws governing the Spearhead Trail System; and

**WHEREAS** Virginia Code § 46.2-800.2 allows for the operation of off-road recreational vehicles in localities embraced by the Southwest Regional Recreation Authority.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors of Russell County:

- A. For the purposes of this Ordinance, "off-road recreational vehicle" shall be defined as: (i) any vehicle having three or more wheels that is powered by a motor and manufactured for off-highway use; (ii) utility vehicles as defined by Virginia Code § 46.2-100; or (iii) any motor vehicle designed to travel with no more than two wheels in contact with the ground and is capable of exceeding 35 miles per hour and is a type of manufactured for off-highway use, commonly referred to as "dirt bikes."
- B. Russell County does hereby authorize the operation of any off-road vehicle within its boundaries on highways designated by appropriate signs as described herein.
- C. Signs whose design, number, and location are approved by the Virginia Department of Transportation ("VDOT") shall be posted warning motorists that off-road vehicles may be operating on the highway.
- D. All persons operating or riding any off-road vehicles within the limits of the County shall be subject to the following rules in addition to any restrictions or limitations imposed by any other governing body having jurisdiction to impose by any other governing body having jurisdiction to impose such rules regulations, ordinances, or statutes:
  1. All operators shall limit the operation of any off-road vehicle to only those highways designated for such use and marked by those signs described herein.
  2. No Person shall drive an off-road vehicle for a distance of more than five (5) miles on any highway with a posted speed limit of no more than 35 miles per hour.
  3. All persons operating any off-road vehicle shall obey any posted speed limit.
  4. Regardless of any posted speed limit, no person shall operate an off-road vehicle at a speed greater than 35 miles per hour.
  5. Any person operating any off-road vehicle on the highways in Russell County shall obey all rules of the road applicable to other motor vehicles.

6. All persons operating or riding any off-road vehicle shall wear a helmet of a type approved by the Superintendent of the Virginia State Police.
7. All persons operating or riding any off-road vehicle shall wear eye protection of a type approved by the Superintendent of the Virginia State Police for use by motorcycle operators.
8. All persons operating any off-road vehicle shall limit such operation to daylight hours only.
9. All persons operating any off-road vehicle shall be a licensed driver or shall be accompanied by a licensed driver who is either occupying the same vehicle or occupying another vehicle within a prudent distance.
10. No person shall operate any off-road vehicle if his driver's license, whether issued by the Commonwealth of Virginia or by another jurisdiction, has been suspended or revoked.
11. Operation of an off-road recreational vehicle as provided in this Ordinance shall be subject to the issuance of a permit from the Southwest Regional Recreational Authority ("SRRA").
12. Any person operating an off-road vehicle shall carry ATV liability insurance coverage, or, in the alternative, sign a waiver of liability on the permit application form.
13. No person shall be allowed to operate any off-road vehicle with a passenger on board unless such vehicle is equipped and designated by the manufacturer to be operated with more than one rider.
14. Any off-road vehicle shall be in safe running condition and shall have all factory safety equipment, including spark arrestors, installed and in visible working condition. Any person in violation of this section shall be fined as provided in Virginia Code §46.2-1003.
15. Any Person operating an off-road vehicle shall operate such vehicle in a safe manner.
16. The Russell County Sheriff's Department and any other valid law enforcement authority shall be authorized to issue citations to any person violating the foregoing provisions of this Ordinance. In addition, such law enforcement authority shall be hereby authorized to revoke and remove SRRA permits when multiple violations of this Ordinance or of the traffic laws of Russell County or the Commonwealth of Virginia have occurred.
17. Any violation of the foregoing provisions of this Ordinance which are also a violation of Title 18.2 or Title 46.2 of the Code of Virginia shall be punishable by a civil penalty of not more than \$500.00.

ADOPTED this the 22<sup>nd</sup> day of May, 2023.

**ATTEST:**

Lonzo Lester, Clerk

## RUSSELL COUNTY BOARD OF SUPERVISORS

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**Lou Ann Wallace, Chairperson**