

**VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF TAZEWELL COUNTY, VIRGINIA HELD AT THE COUNTY ADMINISTRATION BUILDING, LOCATED AT 197 MAIN STREET, IN THE TOWN OF TAZEWELL, VIRGINIA, ON THE 5TH DAY OF MAY, 2026, THE FOLLOWING RESOLUTION WAS ADOPTED, UPON A MOTION AND SECOND:**

Ordinance No.: 26-05-002

Date: MAY 05, 2026

**AN ORDINANCE**  
**TO PROHIBIT RECREATIONAL USE OF ALL TERRAIN VEHICLES ON**  
**PUBLIC RIGHTS OF WAY ON VIRGINIA STATE ROUTE 662 IN CLEAR FORK**

**WHEREAS**, the Tazewell County Board of Supervisors (“the Board”) desires to promote tourism in the County by preserving the historical character of certain areas of the County as herein described, as their natural beauty and peaceful landscapes are a tremendous asset to the County, and desires to protect the public at large;

**WHEREAS**, the Board desires to protect public safety in areas of the County where road conditions are not suitable for All Terrain Vehicles (herein “ATVs”) traffic and that certain property owners suffer from trespasses and unwanted guests along Route 662, also known as Cove Creek Road, in the Clear Fork area of Tazewell County, Virginia;

**WHEREAS**, the Board of Supervisors have been provided input from the public as to the frequency and consistency of unwanted or uninvited ATV traffic along Route 662 in Tazewell County, Virginia;

**WHEREAS**, the Board desires to regulate recreational use of ATVs on Public Streets and Public Rights of Ways located in certain areas of the County where such use would endanger public safety and value of those areas;

**WHEREAS**, the Board acknowledges that its authority to regulate State routes and rights of way is limited; except that **Section 46.2-800.2** of the Code of Virginia (1950) does permit the Board to allow ATV traffic on certain State Routes by resolution;

**WHEREAS**, the Board cannot limit or control the exercise of such authority except by requiring that the exercise of such authority would require the repeal of an existing ordinance only after a public hearing as required by Virginia Code;

**NOW THEREFORE**, be it **RESOLVED AND ORDAINED** that pursuant to **Section 15.2-2028** of the Code of Virginia (1950), as amended, that the Board hereby prohibits operation of ATVs on any public right of way, including but not limited to, improved streets and roads belonging to the Commonwealth of Virginia or the County, located on Virginia State Route 662 in Tazewell County, Virginia, from its intersection with Clear Fork Road then North to its intersection at Mountain Lane in the Town of Bluefield, Virginia, and as it exists on the date of enactment of this ordinance being as shown on the attached map, marked Exhibit A and specifically incorporated herein by reference, by persons who are not the owners of property which is subject to the public right of way or their employees, agents, immediate family, guests, or invitees; and,

1. That violation of this Ordinance shall be a Class IV Misdemeanor as defined in the Code of Virginia;
2. In addition to or in lieu of any criminal proceedings, the County Attorney is authorized, pursuant to **Section 15.2-1432** of the Code of Virginia, to seek a judicial injunction against any person or entity to enforce the prohibition herein set forth;
3. That this Ordinance may not be amended or repealed by any subsequent action of the Board to authorize use of ATVs on any of the aforesaid rights of way, pursuant to **Section 46.2-800.2** of the Code of Virginia (1950) or any other enabling statute, without a public hearing conducted at a regular meeting of the Board of

Supervisors pursuant to **Section 15.2-1427** of the Code of Virginia as required for the enactment, amendment, or repeal of any other ordinance.

**BE IT FURTHER RESOLVED AND ORDAINED** that the County Administrator is hereby authorized to execute any documents as may be necessary to confirm the prohibition described in this ordinance with the Virginia Department of Transportation, Virginia State Police or other State agency, or the Tazewell County Sheriff's Office;

It is so **RESOLVED AND ORDAINED** this 5<sup>th</sup> day of May, 2026.

**ATTEST:**

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Charles E. Presley  
Chairman – Board of Supervisors

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C. Eric Young  
Tazewell County Administrator

**RECORDED VOTE:**

**MEMBERS PRESENT:**

**MEMBERS ABSENT:**

**AYES:**

**NAYS:**

**ABSTENTIONS:**

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