

TOWN OF WHEELLOCK

ORDINANCE REGULATING ALL TERRAIN VEHICLES (ATVs)

SECTION 1. AUTHORITY. Under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. §§ 2291(2),(4), and 23 V.S.A. § 3510, the Selectboard of the Town of Wheelock hereby adopts the following civil ordinance regulating the time, manner, and location of operation of all-terrain vehicles within the town.

SECTION 2. PURPOSE. The purpose of this Ordinance is to promote and protect the public health, safety, and welfare of the Town, and to preserve residents' rights to quiet enjoyment of homes and properties by regulating the time, manner, and location of operation of all-terrain vehicles ("ATVs") within the Town.

SECTION 3. DEFINITIONS.

- A. "All-terrain vehicle," or "ATV," means any non-highway recreational vehicle, except snowmobiles, having no less than two low pressure tires (10 pounds per square inch, or less), not wider than 64 inches with two-wheel ATVs having permanent, full-time power to both wheels, and having a dry weight of less than 1,700 pounds, when used for cross-country travel on trails or on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland and natural terrain. An ATV shall not include an electric personal assistive mobility device.
- B. "Enforcement Officer" means any law enforcement officer certified by the Vermont criminal justice training council.
- C. "Operate" includes any attempt to operate and shall be construed to cover all matters and things connected with the presence and use of all-terrain vehicles within the town whether they be in motion or at rest.
- D. Other definitions found in 23 V.S.A. § 3501 are incorporated herein by reference.

SECTION 4. OPERATION.

- A. All ATVs must be registered and operated according to the requirements of 23 V.S.A. Chapter 31.
- B. All ATVs operated in Wheelock must carry liability insurance.
- C. Persons operating ATVs must be at least 16 years of age unless accompanied by a parent or guardian.

SECTION 5. TOWN HIGHWAYS OPENED. Pursuant to 23 V.S.A. § 3506, all Town highways that are not being maintained and plowed by the Town for use by motor vehicles during the snow season are open to ATV traffic.

In addition, the following Town Highways shall be open to ATV traffic: all Town highways in their entirety.

SECTION 6. SPEED LIMITS AND TRAFFIC CONTROL DEVICES. The speed limit for ATVs operating on all Town highways will be a maximum of 25 mph. All other posted traffic control devices on Town highways shall apply to the operation of ATVs. Notwithstanding the above, no person shall drive an ATV on a public right of way at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards there existing. In every event, speed shall be controlled as necessary to avoid collision with any person, vehicle, bicycle, ATV, or other object on or adjacent to the ATV trail.

SECTION 7. TIME OF OPERATION. ATVs may not be operated within the Town between 9:00 p.m. and 7:00 a.m.

SECTION 8. SINGLE FILE; RACING. Where ATV travel on Town highways is permitted, such travel shall be single file. No racing shall be allowed.

SECTION 9. OPERATION ON PUBLIC PROPERTY AND CEMETERIES. Pursuant to 23 V.S.A. § 3506(10), ATVs shall not be operated in any burial ground in the Town.

SECTION 10. PENALTIES.

- A. The Enforcement Officer is authorized to recover civil penalties for operation of an ATV in excess of the posted speed limit as specified in this Ordinance and in the State of Vermont's Judicial Bureau Penalty Schedule.
- B. The Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance as set out below:

1st Offense: \$75.00 fine. Waiver amount: \$35.00

2nd Offense: \$125.00 fine. Waiver amount: \$70.00

3rd Offense: \$275.00 fine. Waiver amount: \$225.00

For the above offenses, the Enforcement Officer is authorized to recover a waiver fee, in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver fee.

- C. The Enforcement Officer is authorized to recover civil penalties for the following violations as set by the State of Vermont:

- Operation along a highway that is maintained during the snow season but that has not been opened for use by the Selectboard. 23 V.S.A. § 3506(b)(1)
- Operation within a public cemetery. 23 V.S.A. § 3506(b)(10)
- Operation on a sidewalk that has not been opened for travel by the Selectboard. 23 V.S.A. § 3206(b)(12)

SECTION 11. ENFORCEMENT. The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and may be the appearing officer at any hearing.

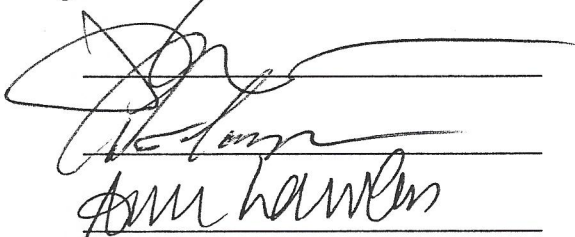
SECTION 12. OTHER LAWS. This Ordinance is in addition to all other ordinances of the Town and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 13. SEVERABILITY. If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

SECTION 14. EFFECTIVE DATE. This Ordinance shall become effective 60 days after its adoption by the Selectboard. This Ordinance will automatically expire one year after its adoption by the Selectboard and will be reviewed and posted for adoption again at that time.

Date of adoption by the Selectboard: 14 January 2019

Signatures of Selectboard members:



14 Jan 2019
DATE

Adoption History

1. Agenda item at regular Selectboard meeting held on the 8th day of October, 2018.
2. Read and approved at regular Selectboard meeting on 14th day of January, 2019 and entered in the minutes of that meeting which were approved on February 11 2019.
3. Posted in public places on December 11 2018
4. Notice of adoption published in the Caledonian Record newspaper on 12-22-2018 with a notice of the right to petition.
5. Other actions [petitions, etc.]