

POSTED
3/31/22

TOWN OF READSBORO ORDINANCE REGULATING ALL TERRAIN VEHICLES (ATVs)

Whereas the Town of Readsboro has a current Traffic Ordinance enforced, and whereas the Town wishes to augment the Traffic Ordinance with an additional set of requirements as pertains to All Terrain Vehicles (ATV's), the Select board passes this Ordinance on ATV use of Town Highways, which shall be considered to be an amendment to the Traffic Ordinance and incorporated into it in whole.

SECTION 1. AUTHORITY. Under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. §§ 2291, (4), 23 V.S.A. § 3506, and 23 V.S.A. § 3510, the Selectboard of the Town of Readsboro 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 2,500 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 that has replaced it's tires with tracks is still considered an ATV and held to all the rules and regulations herein. 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. Specific Provisions for ATV Use:

For the Purposes of this Ordinance, and ATV on a public Highway shall be considered a motor vehicle, as defined in section 4 of Title 23 of the Vermont Statutes. For all specified Right of Ways within the Town limits of Readsboro, Vermont, the Selectboard will have the authority to add/subtract specified Town Right of Ways open to ATV use or make temporary changes to the time of operation ATV's may be operated providing it is duly warned at a Regular Selectboard meeting.

All specified Town Rights of Way will be open for ATV use whenever the V.A.S.A trail network is open except for closures by the Select board and/or designated Individual/DPW Superintendent.

All ATV's must have a present and valid registration and V.A.S.A membership to ride any Town Highways or VASA trails.

From December 15 to April 15 only ATV's with tracks may operate on Town Highways and Right of Ways specified under **Section 4.1 and 4.2** of this ordinance. ATV's utilizing tires are prohibited from using any Town Highway or Right of Ways during this period.

ATV operators must comply with all Vermont Statutes governing use of ATV's.

All ATV's will be registered in any reciprocal state and will carry Vermont State minimum liability insurance.

Any person operating an ATV on a town road class 1,2 or 3 must be 16 years of age.

SECTION 4.1 The following Town Highways shall be open to ATV traffic. All specified Town Right of Ways will be open for ATV use only when the local VASA trail network is open for use or when closed only to access the VASA trail for maintenance being performed by the VASA club. All the following specified Town Right of Way will be considered part of the VASA trail network:

Legal Trail 1 in its entirety

Legal Trail 4 in its entirety

Williams Road in its entirety

Rue Madeline from Route 100 to 307 Rue Madeline

Daubneys Drive in its entirety

Howe Pond Road from Daubneys Drive to Goldmine Road

Goldmine Road from Howe Pond Road to Ross Road

Ross Road from Goldmine Road to Ross Road Trailhead

Branch Hill Road in its entirety

Main Street from Branch Hill Road to Lion's Parking Lot

The Town Sand yard off Branch Hill Road to School Street

School Street from Town Sand Yard access to Rail Road Alley

Railroad Alley from School Street to Tunnel Street

Tunnel Street from Rail Road Alley to Main Street

Main Street from Tunnel Street to Depot Street

Howe Pond Road from Branch Hill to Upper Log landing

Town Highway 17 in its entirety

Smith Drive in its entirety

West Hill Drive in its entirety

Glen Avenue in its entirety

East Main Street from Glen Avenue to Potter Hill Road

Potter Hill Road in its entirety

Bailey Hill Road in its entirety

Depot Street in its entirety

Harriman Station Drive from Depot Street to TH 33

TH 33 in its entirety

Permission for Parking area and erect a kiosk in the Town 50' ROW on TH 33 to not block ROW and still allow for Vehicle travel

Bosley Hill Road from Branch Hill to Whitingham Town line

Shippee Road from Bosley Hill road to Trailhead

Freezing Hole Drive in its entirety
Legal Trail 2 in its entirety
King Hill Road from 4 corners to Ruba Road
Ruba road in its entirety

SECTION 4.2 TOWN HIGHWAYS OPENED (Limited access).

The following specified Town Highways shall be open to ATV traffic for local access only and will not be considered part of the VASA trail network. Use of these Town Highways will be open for ATV use only when the VASA trail network is open for use. Travel shall be limited to gain access to the VASA trail network and properties located on these Town Highways and Right of Ways:

King Hill Road from Ruba Road to East Main Street
Legal Trail 3 in its entirety
Case Lane in its entirety
Tunnel Street from Railroad Alley to 636 Tunnel Street

SECTION 5. SPEED LIMITS AND TRAFFIC CONTROL DEVICES. All posted speed limits and traffic control devices on Town highways shall apply to the operation of ATVs except where ATV speed limits are specifically posted. 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 6. TIME OF OPERATION. ATVs may not be operated within the Town between 10PM and 6AM.

SECTION 7. SINGLE FILE; RACING. Where ATV travel on Town highways is permitted, such travel shall be single file. No racing shall be allowed.

SECTION 8. OPERATION ON PUBLIC PROPERTY AND CEMETERIES. ATVs may be operated on Town property only as described in **Section 4.1** and **4.2** above. Pursuant to 23 V.S.A. § 3506(10), ATVs shall not be operated in any burial ground in the Town.

SECTION 9. 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 Readsboro's local traffic 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:

Failure to operate in single file, engaging in racing, operation during hours when operation is prohibited, operation on public property:

1st Offense: \$100 fine. Waiver amount: \$50
2nd Offense: \$250 fine. Waiver amount: \$125

3rd Offense and any subsequent offense : \$500 fine. Waiver amount: \$250

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 has not been opened for use by the Selectboard. 23 V.S.A. § 3506(b)(1)(A).
 - 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 10. 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 11. 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.


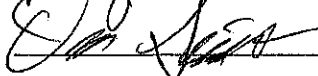
SECTION 12. SEVERABILITY. If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

SECTION 13. COMPLAINTS/ CONCERNS. Any and all complaints/ concerns will be submitted to the Selectboard in writing to be added to the agenda for discussion at the next Regular Selectboard Meeting.

SECTION 14. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Readsboro Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

Date of adoption by the Selectboard: 3/30/22

Signatures of Selectboard members:

Date 3-30-22