

MIDDLETOWN SPRINGS CIVIC ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES (ATV)

SECTION 1. Authority. Under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. § 2291(4), and 23 V.S.A. § 3510, the Selectboard of the Town of Middletown Springs 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 protect the health and safety of operators of all-terrain vehicles and of the residents of the Town and to protect the animals, property and environment of the Town.

SECTION 3. Definitions. For purposes of this ordinance, the following words and/or phrases shall apply:

A. "All-terrain vehicle," or "ATV," means any non-highway recreational vehicle, except snowmobiles, when used for cross-country travel on trails or on any one of the following or a combination thereof: water, snow, ice, marsh, swampland and natural terrain.

B. "Operate" shall include any attempt to operate and shall be construed to cover all matters and things connected with the presence and use of all-terrain vehicles whether they be in motion or at rest.

SECTION 4. Operation of ATVs.

A. All ATVs must be registered and operated according to the requirements of 23 V.S.A. Chapter 31.

B. All operator must be 16 years of age or older and carry valid registration and proof of insurance certificates on their person or on the machine at all times.

C. All operators and passengers must wear a safety helmet that is approved by the federal Department of Transportation (DOT) at all times while operating on Town roads.

D. All operators shall be members of the Vermont ATV Sportsman Association (VASA). A valid VASA plate must be attached to the front of all ATVs using Town roads at all times.

E. ATVs operating on approved Town roads shall travel on the right-side shoulder of the road, in a single file, with headlights on, at a speed not to exceed 25 miles per hour. All traffic control devices and rules of the road apply to the operation of ATVs.

F. ATVs operated for agricultural purposes may not be operated closer than three (3) feet from the traveled portion of any Town road for the purpose of traveling within the confines of a farm.

G. Signs shall be posted to notify operators of ATVs of permitted hours of use, and to notify motorists that ATVs may be traveling on these roads.

H. ATVs may be operated only on the following Town highways, between April 15 and October 31:

1. Class IV (4) roads unless otherwise posted
2. TH06 North Road (the so-called Ira Trail) from the Middletown/Ira town line to Firehouse Lane near the village center for access to essential services. All ATVs in this vicinity must be safely parked in the back lot of the Firehouse lot (Firehouse Lane), so as to not interfere with any fire, rescue, highway, or other essential Town services.
3. TH05 Spruce Knob Road from the intersection with North Street to the intersection with Norton Road.
4. TH08 Norton Road from the intersection with Spruce Knob Road to the intersection with Vermont Route 140 (“West Street”).
5. Vermont Route 140 from the intersection with Norton Road westerly to the intersection of TH07 McIntyre Road or to the intersection with TH12 Dayton Hill Road.

I. ATVs shall not be operated on any other Class III roads except to cross at a 90 degree angle.

J. ATVs may not be operated within the Class III roads between 9:00 pm Sunday through Thursday evenings until 8:00 am Monday through Friday mornings; or between 10:00 pm Friday and Saturday evenings until 8:00 am Saturday and Sunday mornings.

K. ATVs shall not be operated on bike or hiking trails or on V.A.S.T. snowmobile trails.

L. ATVs shall not be operated on the Town’s recreation fields, on the public green in the center of town, in any burial ground, on the school playground or in the parking lot of any church, hospital or nursing home in the Town.

SECTION 5. Penalties.

First offense	\$100.00, waiver fee \$75.00
Second offense	\$200.00, waiver fee \$125.00
Third and each subsequent offense	\$500.00, waiver fee \$275.00

SECTION 6. Enforcement. This is a civil ordinance and shall be enforced by the designated constable or law enforcement agency appointed by the Selectboard through the Vermont Judicial Bureau.

SECTION 7. 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 8. Effective Dates.

A. This ordinance shall become effective 60 days after its adoption by the Selectboard and shall supersede and replace all previous ordinances regulating the time, manner, and location of

operation of all terrain vehicles. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

B. This ordinance shall be subject to annual review and possible renewal by the Selectboard in advance of each ATV season, April 15 to October 31.

Adopted this 9th day of March, 2017.

Town of Middletown Springs Selectboard

_____ (Chair)

ADOPTION HISTORY:

1. Sole agenda item at special Selectboard meeting held on May 3, 2016.
2. Read and approved at regular Selectboard meeting on December 22, 2016 and entered in the minutes of that meeting which were approved on January 12, 2017.
3. Agenda item at special Selectboard meeting held on January 14, 2017.
4. Posted in public places on January 16, 2017.
5. The following ballot item was part of the warned Town Meeting for 2017, as formally approved by the Middletown Springs Selectboard on January 12, 2017:
 - *Shall the voters of the Town of Middletown Springs approve that the Selectboard enact the proposed ordinance pertaining to the operation of all-terrain vehicles on public roadways?*
6. Notice of adoption published in the Rutland Herald newspaper on March 10, 2017 with a notice of the right to petition.