

TOWN OF SHELDON

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 Sheldon 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 operators of all-terrain vehicles and the residents of the Town, and to preserve residents' rights to quiet enjoyment of homes and properties by regulating the time, manner 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 including side-by-sides, 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 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. "Operator" must be 16 years of age or older and must hold a valid driver's license.
- E. "VASA" means the Vermont All-Terrain Sportsman's Association.
- F. Other definitions found in 23 V.S.A. § 3506 are incorporated herein by reference.

SECTION 4. TOWN HIGHWAYS OPENED. All Sheldon Town highways shall be open to ATV travel. Operation of ATVs on State highways, including Vermont Route 120, Vermont Route 236, Vermont Route 78, and Vermont Route 105, is prohibited unless the State highway has been opened to ATV travel by the Vermont Secretary of Transportation.

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 unless otherwise posted. Notwithstanding the above, no person shall drive an ATV on a town highway at a speed greater than 30 miles per hour or at a speed higher 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 the hours of 10:00 pm and 7:00 am, April 1st Through December 1st.

SECTION 7. EQUIPMENT & SAFETY. ATVs operated on town highways pursuant to this Ordinance shall have the equipment specified in 23 V.S.A. §3505. Lights shall be on during vehicle operation from 30 minutes after sunset to 30 minutes before sunrise. All operators and passengers shall wear a DOT approved safety helmet while operating an ATV on a town highway.

SECTION 8. LICENSE, REGISTRATION, INSURANCE. ATVs operated on town highways pursuant to this Ordinance shall be currently registered and display a valid VASA Trail Access Decal (TAD) in accordance with 23 V.S.A. §3502. ATV operators must have current liability insurance coverage in the amounts specified in 23 V.S.A. §3506(13). The Town of Sheldon shall have no liability for the operation of ATVs on Sheldon town highways.

SECTION 9. SINGLE FILE; RACING. Where ATV travel on Town highways is permitted, such travel shall be single file, with headlights on during the hours set forth in Section 7 above. Racing shall be prohibited.

SECTION 10. OPERATION ON PUBLIC PROPERTY AND CEMETERIES. ATVs shall not be operated on the following public property: public bike paths, hiking trails, highway garage property, and recreation fields. Pursuant to 23 V.S.A. § 3506(10), ATVs shall not be operated in any public or private cemetery in the Town.

SECTION 11. PENALTIES.

A. An Enforcement Officer is authorized to recover civil penalties in the amount specified in the State of Vermont Judicial Bureau Waiver Penalty Schedule for the following violations:

1. Section 5, Operation in excess of speed limits
2. Section 5, Operation in violation a traffic control device
3. Section 7, Operation without required equipment
4. Section 8, Operation without registration and VASA Trail Access Decal

5. Section 8, Operation without liability insurance
6. Section 8, Operation on public property
7. Section 10, Operation within a cemetery

B. An Enforcement Officer is authorized to recover civil penalties for other violations of this Ordinance as set out below:

Section 6. Operation during prohibited hours:

1st Offense:	Waiver amount: \$200
2nd Offense:	Waiver amount: \$400
3rd Offense:	Waiver amount: \$500

Section 9. Failure to operate in single file:

1st Offense:	Waiver amount: \$200
2nd Offense:	Waiver amount: \$400
3rd Offense:	Waiver amount: \$500

Section 9. Engaging in racing:

1st Offense:	Waiver amount: \$200
2nd Offense:	Waiver amount: \$400
3rd Offense:	Waiver amount: \$500

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.

Operators of ATVs shall be liable, in addition to the penalties set forth above, for all repair costs incurred for damage to town highways caused by the operation of their ATV.

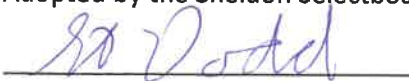
SECTION 12. ENFORCEMENT. The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and may be the appearing officer at any hearing.

SECTION 13. 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 14. 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 15. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

Adopted by the Sheldon Selectboard on April 12, 2021



Stephen Dodd



Seth Hungerford



Joseph Dunlavy



Nicholas Norris



David Peloubet

Adoption History

1. Agenda item at regular Selectboard meeting held on 4-12-21.
2. Read and approved at regular Selectboard meeting on 4-12-21 and entered in the minutes of that meeting which were approved on 4-12-21.
3. Posted in public places on 4/13/2021.
4. Notice of adoption published in the County Courier newspaper on 4/15/2021 with a notice of the right to petition.
5. Other actions [petitions, etc.]