

AN ORDINANCE REGULATING ALL TERRAIN VEHICLES

SECTION I. 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 Johnson hereby adopts the following civil ordinance regulating the time, manner, and location of operation of all-terrain vehicles within the town.

SECTION II. 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 III. DEFINITIONS.

- 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 IV. OPERATION OF ATVs.

- A. All ATVs must be registered and operated according to the requirements of 23 V.S.A. Chapter 31. All ATV's to be maintained with "manufacturer's original or equal to" equipment (muffler, lighting, brakes, safety equipment, etc.)
- B. All riders must carry registration and proof of insurance certificates on their person or on the machine at all times. All riders shall belong to the Vermont ATV Sportsman Association (VASA), carry proof of membership and display the VASA plate on the ATV.
- C. All-terrain vehicles may be operated only on the following town highways:
 - 1. Any unpaved class III town highway; and
 - 2. Class IV town highways, as identified on the Official Town Highway Map. The Selectboard may list specific unpaved Class III and Class IV roads where ATV's may be operated or not operated, by an Annual Posting and Public Notice of roads open to ATV use as per this Ordinance.
- D. All-terrain vehicles shall not be operated on public bike paths and hiking trails, V.A.S.T. snowmobile trails or private lands (without landowner permission) town owned recreation fields, public greens, in any burial ground, on the school playground

or in the parking lot of any church, hospital, town or village owned building or nursing home in the Town.

- E. All speed limits, traffic control devices and rules of the road apply to the operation of ATVs on Town highways opened for use. Maximum speed limit shall 25 mph. Riders to maintain single file on right side of road.
- F. ATVs may not be operated within the Town between 9:00 P.M. and 8:00 A.M. Monday through Friday, or between 10:00 P.M. and 7:00 A.M. on Saturday and Sunday.

SECTION V. PENALTIES.

First offense\$100.00, waiver fee \$50.00
 Second offense\$200.00, waiver fee \$100.00
 Third and each subsequent offense\$500.00, waiver fee \$250.00

SECTION VI. ENFORCEMENT. This is a civil ordinance and shall be enforced by any duly elected or appointed police officer, or enforcement official appointed by the Selectboard with enforcement powers within Johnson, through the Judicial Bureau.

SECTION VII. 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 VIII. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Johnson 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.

Selectboard Signatures:

Eric T. Osmond
Bradley Reed
Alvin [Signature]
6/19/06
 DATE

[Signature]
[Signature]

Adoption History

1. Agenda item at regular Selectboard meeting held on June 19th, 2006.
2. Read and approved at regular Selectboard meeting on June 19th, 2006 and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on _____.
4. Notice of adoption published in the _____ newspaper on _____ with a notice of the right to petition.