

## **TOWN OF SWANTON**

### **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 Swanton hereby adopts the following civil ordinance regulating the time, manner, and location of operation of all-terrain vehicles with 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 resident's right 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" mean 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 Swanton Town highways, locate outside of the corporate limits of the Village of Swanton, shall be open to ATV Travel. Operation of ATVs on State highways, including Vermont Route 78, Vermont Route 207, Vermont Route 105, U. S. Route 7, and Interstate 89 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 only be operated on Town highways, between the hours of 7:00 am and 9:00 pm, April 1<sup>st</sup> through December 1<sup>st</sup>.

**SECTION 7. EQUIPMENT AND 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 Swanton shall no liability for the operation of ATVs on Swanton town highways.

**SECTION 9. SINGLE FILE; RACING.** Where ATV travel on Town highways is permitted, such travel shall be single file, with headlight 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, recreation fields, and property owned by the Missisquoi Valley School District. 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 of 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.
- 8. 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:

1 <sup>st</sup> Offense:	Waiver amount: \$200.00
2 <sup>nd</sup> Offense:	Waiver amount: \$400.00
3 <sup>rd</sup> Offense:	Waiver amount: \$500.00

Section 9. Failure to operate in a single file:

1 <sup>st</sup> Offense:	Waiver amount: \$200.00
2 <sup>nd</sup> Offense:	Waiver amount: \$400.00
3 <sup>rd</sup> Offense:	Waiver amount: \$500.00

Section 9. Engaging in racing:

1 <sup>st</sup> Offense:	Waiver amount \$200.00
2 <sup>nd</sup> Offense:	Waiver amount \$400.00
3 <sup>rd</sup> Offense:	Waiver amount \$500.00

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

**SECTION 12. ENFORCEMENT.** The violation of this ordinance shall be a civil matter which may be enforced by the Vermont Judicial Bureau in accordance with the provisions of 24 V.S.A. §§ 1974 a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have the 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 of Swanton and all other applicable laws of the State of Vermont. All ordinances and 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 the 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 Town of Swanton Selectboard on June 7, 2022

S/ James G. Guilmette  
James G. Guilmette, Chair

S/Mark Rocheleau  
Mark Rocheleau, Vice Chair

S/ Nicole Draper  
Nicole Draper, Member

S/ Earl Fournier  
Earl Fournier, Member

S/ Ed White, Sr.  
Ed White, Sr., Member