

The following documents were scanned on 08/28/2019 by Rama Schneider.

These documents come from a larger packet of paper documents that have been provided by the Williamstown town manager. This packet contains email communications and responses between the Williamstown town manager and officials from other towns regarding the creation of an ATV trails ordinance proposal.

The next page is the cover page for this packet as provided by the Williamstown town manager.

Corinth Town Clerk – ATV Ordinance, see attached. No ATVs allowed on any town roads. They have signage up stating so but have constant issues with ATVs not abiding by the laws.

Topsham Town Clerk – town has a policy not an ordinance, see attached.

Major issues with ATVs and dirt bikes.

ATV riders do not abide by the May to December timeline. Or the hours of the day stated for riding in the policy. Excessive speed and safety issues are a huge factor. Have not been able successful with policing.

Newbury Town Clerk – ATV Ordinance in place, see attached. No ATVs allowed on town roads unless a permit has been issued by the Selectboard for Agricultural Use only. Have constant issues but can't enforce due to lack of enforcement officers.

Washington Town Clerk – Hasn't heard of any issues with ATV use in town. Asked for any paperwork, policies or ordinances in place. The file has been misplaced and as soon as she finds it she will send me copies.

Glover Town Clerk – ATV Ordinance, see attached. No real issues.

Danville Town Clerk – ATV Ordinance, see attached. Most issues took place before ordinance was adopted. Town was divided on for and against. Once ordinance went into place things quieted down. Haven't had any real issues or concerns since.

Middletown Springs Town Clerk – 2017 ATV ordinance was placed on ballot. Failed, see results attached. No ATVs allowed.

Barre City Town Manager – No ATV resources in Barre City.

Swanton Village Town Manager – No ATV resources. Hoping to convince the Selectboard to offer access to village and town roads.

Town of Readsboro Admin. Asst. – Attached ATV Ordinance.

Town of Hubbardton Town Clerk – ATV Ordinance attached. All town roads open unless otherwise posted. Closed to ATVs during mud season.

Town of Groton Secretary – No ATV Ordinance. Has been ongoing issues in Groton for years. The town has a Groton Railroad Beed Town Parking Area Ordinance that clearing states no ATV use, except for railroad bed maintenance. ATVs are not allowed on any town roads.

## **TOWN OF CORINTH**

### **All Terrain Vehicle Ordinance**

#### 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 Corinth hereby adopts the following civil ordinance regulating the time, manner, and location of operation of all terrain vehicles (“ATV” hereinafter), within the town.

#### Section II – Purpose

The purpose of this ordinance is to protect the health and safety of the residents of the town and to protect the animals, property and environment of the Town of Corinth.

#### 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 ATV's whether they are in motion or at rest.

#### Section IV – Operation of ATV's

ATV's may not be operated on any town highway or trail.

#### Section V – Enforcement

- A) Violations of this Ordinance will be assessed fines as set forth in the following Section.
- B) The constable of the Town of Corinth and/or any person(s) duly appointed by the Selectboard shall have authority to act as an issuing Municipal Official to issue and pursue, before the Judicial Bureau, a Municipal complaint.
- C) An issuing Municipal Official shall have the authority to levy and collect a waiver fee in lieu of a civil penalty from any person who declines to contest a municipal complaint and pay the waiver fee. Offenses shall be counted on a calendar year basis.
- D) A violation of this ATV Ordinance shall be a civil matter enforceable in the Judicial Bureau in accordance with the provisions of 24 V.S.A. Chapter 59.

#### Section VI – Penalties

- A) Fees
  1. First offense \$50.00, waiver fee \$35.00
  2. Second offense \$100.00, waiver fee \$75.00
  3. Third offense \$200.00, waiver fee \$150.00
- B) Operators of ATV's shall be liable, in addition to the fees set forth above, for all repair costs incurred for damage to Town roads and/or property caused by the ATV.

## Section VII – Amendments

- A) This Ordinance may be amended pursuant to 24 V.S.A. §1976.
- B) Any amendments to this Ordinance shall take effect in accordance with 24 V.S.A. §1971.

## Section VIII – 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 IX – Effective Date

- A) This Ordinance shall become effective 60 days after its adoption by the Corinth Selectboard and shall supersede and replace all previous ordinance regulating the time, manner, and location of operation of ATV's.
- B) If a petition is filed under 24 V.S.A. §1973, that statute shall govern the effective date of the Ordinance.

\_\_\_\_\_  
\_\_\_\_\_

Signed

\_\_\_\_\_  
Date

## Adoption History

1. Agenda item at regular Selectboard meetings held on September 11, 2006, October 9, 2006, November 13, 2006, December 11, 2006, January 8, 2007, February 12, 2007, March 12, 2007, April 9, 2007 and May 14, 2007.
2. Read and approved at regular Selectboard meeting on May 14, 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.
5. Other actions (petitions, etc.)

Town of Topsham  
ATV Road Use Policy

1. May use Class 3 and 4 Roads and Town Trails
2. May use from May 15<sup>th</sup> to December 1<sup>st</sup>
3. May use from 7:00 AM to 11:00 PM
4. Speed Limit is 15 mph
5. Use of short sections of Class 2 roads will be considered case by case
6. State registration required
7. Helmets required
8. ATV Club membership recommended
9. ATV Club membership required for access to VASA trails
10. If under 16 years of age must be with an adult 18 years of age or older

This is our last best effort to avoid an ATV Road Use Ordinance.

Select Board  
Town of Topsham

April 23, 2007  
Revised April 27, 2009

## **TOWN OF NEWBURY, VERMONT ALL-TERRAIN VEHICLE ORDINANCE**

### **1. Purpose and Authority**

The purpose of this Ordinance is to promote and protect the public health, safety, and welfare of the Town of Newbury, 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 of Newbury. This Ordinance is adopted by the Selectboard of the Town of Newbury under the authority of 24 V.S.A. §§ 2291(2) and (4), and 23 V.S.A. § 3510. This Ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

### **2. Definitions**

For purposes of this Ordinance, the following words and phrases shall apply:

**All-Terrain Vehicle or ATV** shall mean 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 1,700 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.

**Agricultural Activity** shall mean: (1) the cultivation or other use of land for producing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; the raising, feeding, or management of domestic animals as defined in 6 V.S.A. §1151 or bees; the operation of greenhouses; the production of maple syrup; the on-site storage, preparation, and sale of agricultural products principally produced on the farm; and the on-site production of fuel or power from agricultural products or wastes principally produced on the farm; and (2) the preparation, tilling, fertilization, planting, protection, irrigation, and harvesting of crops; the composting of material principally produced by the farm or to be used at least in part on the farm; the ditching and subsurface drainage of farm fields and the construction of farm ponds; the handling of livestock wastes and by-products; and the on-site storage and application of agricultural inputs, including lime, fertilizer, and pesticides.

**Enforcement Officer** means the Newbury Constable, a member of the Newbury Selectboard, any law enforcement officer, or any other person designated an Enforcement Officer under this Ordinance by the Selectboard.

**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.

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Other definitions found in 23 V.S.A. §3501 are incorporated herein by reference.

### **3.     ATV Operation**

Except as provided herein, no person shall operate an ATV on a Town highway in the Town of Newbury.

(A) Pursuant to 23 V.S.A. §3506(b)(1)(A), an ATV may be operated during the snow season on a Town highway that is not being maintained and plowed by the Town for use by motor vehicles.

(B) Pursuant to 23 V.S.A. §3506(b)(1)(C), an ATV that is being used for agricultural purposes on a farm may be operated three or more feet from the traveled portion of any Town highway within the confines of that farm.

(C) Pursuant to 23 V.S.A. §3506(b)(1)(D), an ATV may be operated on a Town highway by an employee or agent of an electric transmission or distribution company subject to the jurisdiction of the Public Utility Commission under 30 V.S.A. § 203 for utility purposes, including safely accessing utility corridors, provided that the all-terrain vehicle shall be operated along the edge of the roadway and shall yield to other vehicles.

(D) Pursuant to 23 V.S.A. §3506(b)(1)(B) an ATV may be operated on a Town highway in conjunction with Agricultural Activities by an operator holding an annual ATV Permit issued by the Selectboard.

### **4.     ATV Permit**

Commencing May 1 of each year, application will be made to the Selectboard by individuals desiring a permit for ATV use on Town highways in conjunction with Agricultural Activities. Individuals requesting an ATV permit will be required to meet with the Selectboard. There shall be a \$15.00 administrative fee for the Permit. An ATV Permit may be revoked at any time for any violation of this Ordinance.

### **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. 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.

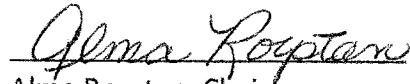
### **6.     Operation on Public Property and Cemeteries**


ATVs shall not be operated on the following public property: public bike paths, hiking trails, VAST trails, Town recreational fields, the public green in the center of Newbury village, school playgrounds, or in the parking lot of any church, or on any Town-owned property.

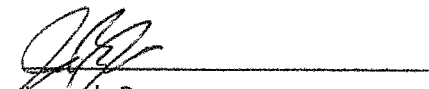
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Adopted this <sup>TD</sup> 27 day of March, 2019.

Town of Newbury Selectboard

  
Alma Roystan, Chair

  
Steve Cole

  
Joseph Parsons

Adoption History

Agenda item at regular Selectboard meeting held on .

Read and approved at regular/special Selectboard meeting on and entered in the minutes of that meeting which were approved on .

Posted in public places on .

Notice of adoption published in the newspaper on with a notice of the right to petition.

Other actions [petitions, etc.]



**TOWN OF NEWBURY, VERMONT**  
**ATV PERMIT for AGRICULTURAL USE**

1. Name: \_\_\_\_\_

2. Residential Address: \_\_\_\_\_

3. Mailing Address: \_\_\_\_\_

4. Phone Number: \_\_\_\_\_

5. Permission is requested for the purpose of: \_\_\_\_\_

6. Hwy.(s) to be accessed: \_\_\_\_\_

7. ATV: make/model: \_\_\_\_\_

8. Restrictions: \_\_\_\_\_

9. Permit effective date(s) \_\_\_\_\_

10. Signature of ATV owner: \_\_\_\_\_

Date: \_\_\_\_\_

**ATV owners are responsible for knowing, and abiding by, any applicable DMV laws and/or regulations.**

Signature of authorized person: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**TOWN OF GLOVER, VERMONT  
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 Select Board of the Town of Glover 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 trail 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.

**SECTION IV. OPERATION OF ATVs.**

**A.** All ATVs must be registered and operated according to the requirements of 23 V.S.A. Chapter 31. In order for an ATV to legally operate on a town road that is open to ATV use, the ATV must be registered and have one or more working headlights and a working red rear light, all of which must be on during operation, thirty minutes after sunset until thirty minutes before sunrise. It must have a correct, current number plate, brakes in good mechanical condition, a USFS qualified spark arrester and a muffler system that produces a noise level not to exceed 82 decibels (A scale) at 50 feet.

**B.** All-terrain vehicles may be operated only on the following town highways:

1. All Class II roads unless otherwise posted
2. All Class III roads unless otherwise posted
3. All Class IV roads unless otherwise posted

**C.** All-terrain vehicles shall not be operated on public bike paths or hiking trails or on VAST snowmobile trails.

**D.** All posted speed limits and traffic control devised apply to the operation of ATVs on Town highways with a maximum speed limit not to exceed 35 MPH.

**E.** ATVs may not be operated within the Town between 10 p.m. and 7 a.m. Sunday through Saturday.

**F.** ATVs shall not be operated on the Town's recreation field, 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.

**G.** ATV operators must have a valid driver's license.

**H.** All owners of ATVs operated in accord with the ordinance must have liability insurance.

**I.** ATV operators must wear a helmet or be operating an ATV with a roll bar.

**SECTION V. PENALTIES.**

First offense.....	\$25.00, waiver fee \$15.00
Second offense.....	\$50.00, waiver fee \$30.00
Third and each subsequent offense.....	\$100.00, waiver fee \$75.00

**SECTION VI. ENFORCEMENT.** This is a civil ordinance and shall be enforced by the Town Constable or any certified law enforcement officer 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 upon its adoption by the Glover Select Board 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.

August 20, 2008

Keone Maher, Select Board Chair

Jason M. Choquette, Select Board Member

## **TOWN OF DANVILLE, VERMONT**

### **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. §§ 3506 and 3510, the Selectboard of the Town of Danville hereby adopts the following civil ordinance regulating the time, manner and location of Operation of all-terrain vehicles (“ATVs”) within the Town. This ordinance does not apply to snowmobiles.

**SECTION II. PURPOSE.** The purpose of this ordinance is to protect the health, safety and welfare of Operators and passengers of all-terrain vehicles and of the residents and landowners of the Town. This ordinance does not apply to ATV Operation on private property except as expressly stated otherwise.

#### **SECTION III. DEFINITIONS.**

. “Affected Property Owners” means the record owners of each individual tax parcel adjacent to the Town Highways being proposed by the Club for approval by the Selectboard as the Club Sponsored Corridor Trail for the ensuing year.

B. “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 1,700 pounds, when used for cross-country travel on trails or on any of the following or a combination thereof: land, water, snow, ice, marsh, swamp and natural terrain. An ATV on a public highway or road shall be considered a motor vehicle and subject to municipal, state and federal laws. An ATV shall not include an electric personal assistive mobility device.

C. “ATV Committee” means a committee formed under this ordinance to discuss progress in establishing an off-road trail system and to investigate and report on complaints about ATVs or other issues that may arise from ATV use on Town Highways.

D. “Club Sponsored Corridor Trail” means a trail to allow passage from Barnet through the Town to the boundary of Wheelock or Sheffield, to be considered yearly by the Selectboard.

E. “Club” means an organized ATV association that is a member of VASA maintaining a Club Sponsored Corridor Trail and having members who reside in the Town.

F. “Commercial ATV Operation” will mean the Operation of an ATV on any Town Highway open to the public, by a guided tour or by someone who has rented an ATV from an individual or corporate entity charging a fee for the tour or rental.

G. “Operate” shall include any attempt to Operate and shall be construed to cover all matters and things connected with the presence and use of ATVs whether they are in motion or at rest, and “Operators” shall include all persons who Operate ATVs. “Operation” shall be in accordance with 23 V.S.A. § 3506.

H. "Real Property" shall mean real estate tax parcels designated by the Town.

I. "Town Highway" means any publicly accessible highway, road or trail of any classification under control or jurisdiction of the Town.

J. "Town" means the Town of Danville or its legal representatives.

K. "VASA" means the Vermont All-Terrain Vehicle Sportsman's Association, Inc.

#### **SECTION IV. OPERATION.**

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

B. Resident ATV Operators and owners of Real Property in Town may operate ATVs along Class III and Class IV Town Highways with the purchase of a Town decal, and on Club Sponsored Corridor Trails with VASA membership, unless otherwise posted by the Town. Non-resident ATV Operators, who do not own Real Property in Town, are limited to Club Sponsored Corridor Trails and require VASA membership.

C. No ATV Operation may occur on any of the following: Class II Town Highways except at crossings as provided under and as allowed by state statute, or unless a designated part of the Club Sponsored Corridor Trail or otherwise designated for ATV use by the Selectboard; any village street; the public Green in the center of the Town; on the grounds of the wastewater treatment plant; on any burial ground; on the school playground; or in any Town forests.

D. ATV Operation by non-residents of the Town who do not own Real Property in Town is limited to only the Club Sponsored Corridor Trail that shall be proposed by the Club and approved by the Selectboard each year and on no other Town Highways.

E. ATV Operation on any approved Club Sponsored Corridor Trail is limited to May 1<sup>st</sup> through December 1<sup>st</sup> unless a later spring opening or earlier winter closure date is set by the Selectboard. Operation anywhere in Town may occur only from 7:00 am to one half hour after sunset, as sunset is determined under Vermont Department of Fish and Wildlife regulations. (Currently published at <http://www.eregulations.com/vermont/15vtab/sunsetsunrise-tables/>).

F. The Club will post informational, directional, speed and safety signs on the Club Sponsored Corridor Trail approved each year by the Selectboard. All other signage from prior years and routes will be removed each year by the December 1<sup>st</sup> or other closure date. The Club will post "No ATVs" signs at appropriate places along the Club Sponsored Corridor Trail to keep non-resident Operators who do not own Real Property in Town only on the approved Club Sponsored Corridor Trail and off all other Town Highways. Operation on all Town Highways other than the Club Designated Corridor Trail, by non-residents who do not own Real Property in Town shall be subject to 23 V.S.A. § 3507.

G. The Town reserves the right to issue limited special Operator permits for community service activity, or for other purposes and may temporarily suspend this ordinance during times of emergency.

H. Speed limits for all ATVs while operating on Town Highways will be a maximum of 25 mph unless otherwise posted at a lower speed, and all ATVs will travel in single file, ATV lights must at all times be on and ATVs will follow all traffic rules and control devices that apply to the Town Highways. All Operators must have and must carry evidence of liability insurance as required by law, must be registered. A person under the age of 12 may operate an ATV if on his/her parent's or guardian's property, if on property for which s/he has written permission to drive; or if under the direct supervision of someone at least 18 years of age. 43 V.S.A §3506(b)(5). Operators and passengers must wear helmets, young passengers will be properly restrained and all ATVs shall otherwise be Operated in accordance with state law.

I. No Commercial ATV Operation shall be permitted on Town Highways.

**SECTION V. SELECTION AND USE OF TOWN HIGHWAYS.**A. The use of Town Highways or portions thereof is a privilege while the Club builds an off-road trail network and, on an annual basis, the Club will update the Town with its progress. No Town Highway use for a Club Sponsored Corridor Trail shall be allowed where, as may be determined by the Selectboard, a reasonably alternative route over private lands is available.

B. By no later than October 31<sup>st</sup> of each year, the Club will submit its proposal for a Club Sponsored Corridor Trail for the following year to the Selectboard. The Selectboard will only approve the use of the Club Sponsored Corridor Trail if the Club demonstrates support from two-thirds of all Affected Property Owners.

C. Town Highways designated as the Club Sponsored Corridor Trail must be rotated and any particular portion of any Town Highway may only be used a maximum of once every three (3) years as part of the Club Sponsored Corridor Trail, to ensure that no Real Property with the same tax parcel identification number is adjacent to the Club Sponsored Corridor Trail in either of the subsequent two (2) years.

D. Affected Property Owners shall have the right to petition the Town to disqualify from usage that portion of any Town Highway proposed to be part of the Club Sponsored Corridor Trail for the ensuing year provided they obtain the signatures of a minimum of simple majority of all Affected Property Owners bordering on such portion of the Club Sponsored Trail. Disqualification shall be at the discretion of the Selectboard by a decision made at a regular meeting and, if granted, shall take effect immediately. Thereafter the Club may submit alternatives to the disqualified section in accordance with Section V.B.

**SECTION VI. ANNUAL REVIEW.** Sections V and VIII, as well as plans and actions to reduce the use of Town Highways as Club Sponsored Corridor Trails, shall be reviewed at least annually with the local Club, Selectboard and public at the first regularly scheduled Selectboard meeting in March following the annual Town Meeting day.

## **SECTION VII. VIOLATIONS, FEES AND PENALTIES.**

A. It is a violation of this ordinance to Operate, or to permit an ATV owned by the person or under his or her control to be Operated, on any Town Highway:

1. If the Operator is under 16 years of age (ordinance violation under 23 V.S.A. § 3510).
2. While the Operator or any passenger is not wearing a helmet (ordinance violation under 23 V.S.A. § 3510).
3. With young passengers aboard who are not properly restrained (23 V.S.A. § 1258).
4. Without having the headlight turned on at all times (ordinance violation under 23 V.S.A. § 3510).
5. On any Town Highway other than the Club Sponsored Corridor Trail if the Operator does not reside or own Real Property in Town (ordinance violation under 23 V.S.A. § 3510).
6. On any Town Highway other than the Club Sponsored Corridor trail if the Operator or owner has not obtained or does not properly display a valid Town decal on the ATV (ordinance violation under 23 V.S.A. § 3510).
7. On any village street; the public green in the center of the Town; on the grounds of the wastewater treatment plant; on any burial ground; on the school playground; or in any Town forests (ordinance violation under 23 V.S.A. § 3510).
8. While the Operator is under the influence of drugs or intoxicating beverages (23 V.S.A. § 3506(b)(8)).
9. In any manner intended or reasonably to be expected to harass, drive, or pursue any wildlife (23 V.S.A. § 3506(b)(6)).
10. In a careless or negligent manner or a manner that endangers persons or property (23 V.S.A. § 3506(b)(9)).
11. While not registered in accordance with the laws of this state or the state or province in which the ATV owner resides (23 V.S.A. § 3502(a) and (e)).
12. While not insured in accordance with the laws of this state if the ATV is required to be registered in this state (23 V.S.A. §§ 800-810).
13. Unless equipped with at least one headlight and a red rear light in working order, brakes in good mechanical condition and any windshield free from sharp or jagged edges (23 V.S.A. § 3505(a) and 23 V.S.A. § 3506(d)).
14. While not equipped with an efficient muffler or while equipped with an exhaust system with a cut out, bypass, or similar device or with the spark arrester removed or modified, or if the maximum machine operating noise is more than 82 decibels on the A scale at 50 feet, in a normal operating environment (23 V.S.A. § 3505(b)).
15. By any person under 18 years of age who lacks or is unable to display, upon demand of any law enforcement officer, a safety education certificate issued by this state or under the authority of another state or province of Canada, unless such person is in the process of taking a safety education training course under the direct supervision of a certified ATV safety instructor (23 V.S.A. § 3506(e)).
16. On any Class II Town Highway not opened to ATVs by the Selectboard, except to cross at a 90 degree angle if no obstruction prevents a quick and safe crossing; and provided that the Operator comes to a complete stop before entering the highway and yields the right-of-way to motor vehicles and pedestrians (23 V.S.A. § 3506(b)(1) and (b)(2)).

17. On the Club Sponsored Corridor Trail without displaying a valid VASA Trail Access Decal or a completed Trail Access Decal form processed electronically and either printed out or displayed on a portable electronic device if within 10 days after the electronic transaction (23 V.S.A. § 3502(a)).
18. On private land or a private body of water not owned by the Operator or any member of the Operator's immediate family if the Operator lacks or is unable to display, upon demand of any law enforcement officer, a written consent of the owner or lessee to Operate the ATV in the specific area and during specific days or hours in which the ATV Operator is operating. Operation will also be considered permitted without any written consent if the ATV displays a valid TAD decal serving as proof that the Operator is a member of a VASA-affiliated club to which consent has been given orally or in writing to Operate there, or if the owner of the land has designated the area for use by ATVs by posting the area (23 V.S.A. 3505(b)(3)(B)).
19. On any public land, body of public water, or natural area not designated by the Selectboard or this state for use by all-terrain vehicles (23 V.S.A. § 3506(b)(4)).
20. On a Town sidewalk (23 V.S.A. § 3506(b)(12)).
21. If the ATV registration certificate or any required consent form or required certificate is not available for inspection upon demand of any law enforcement officer, or the registration number, or plate is not of the size and type or is not displayed in the manner approved by law (23 V.S.A. §§ 3506(b)(7) and 3506(f)).
22. After causing or becoming involved in any accident resulting in injury to any person or property other than the Operator's ATV without immediately stopping to render reasonably necessary assistance and providing the Operators name, residence, registration number, and the name of the owner of the ATV to the injured party or person whose property is damaged (23 V.S.A. § 3511).
23. Without bringing the ATV to a stop when signaled to do so by a law enforcement officer wearing identifying insignia, or operating a law enforcement vehicle sounding a siren or displaying a flashing blue or blue and white signal lamp, thereby attempting to elude the law enforcement officer (23 V.S.A. § 3512).
24. While traveling at a speed exceeding 25 mph or such lower speed as may be posted (ordinance violation under 23 V.S.A. § 3510).
25. While traveling in any manner other than single file (ordinance violation under 23 V.S.A. § 3510).
26. While failing to observe any other traffic rules and control devices that apply to the Town Highways (ordinance violation under 23 V.S.A. § 3510).
27. If the Operator does not hold a license sufficient to allow the Operator to operate motor vehicles in Vermont (23 V.S.A. §§ 601-618(a)).

B. The penalty for each separate violation of this ordinance as set out immediately above is:

First offense.....	\$ 50	waiver fee \$ 30
Second offense .....	\$175	waiver fee \$150
Third and subsequent offense .....	\$ 300	waiver fee \$ 250

C. The Town may ban an Operator from use of any Town Highway, including but not limited to Class III and Class IV Highways (for Danville residents and Real Property Owners) and/or the Club Sponsored Corridor Trail (all Operators), after the first or any subsequent offense.



## **SECTION VIII. ENFORCEMENT.**

A. This is a civil ordinance and shall be enforced by law enforcement agencies under contract with the Town or authorized under state law.

B. On an annual basis, the Club shall provide the Town a mutually agreed upon sum to assist in providing effective enforcement of the ordinance. The Town will manage the fund and contract directly with law enforcement. All revenues generated from fees and penalties from this ordinance shall be returned to the Town to be reinvested into the enforcement fund and shall reduce the Club share commensurately.

C. The Town shall record and retain copies of all complaints and enforcement actions including tickets issued for review by the ATV Committee and the public upon request for corrective action discussions at the Annual Review.

**SECTION IX. SEVERABILITY.** If any section or provision 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 X. EFFECTIVE DATE.** This ordinance shall become effective 60 days after its adoption by the Town of Danville Selectboard and shall supersede and replace all previous ordinances regulating the time, or the manner, and location of Operation of ATVs. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

## **SECTION XI. GENERAL**

A. The Club has set as its goal to attempt to be operating on private trails instead of Town Highways within five (5) years after the effective date of this ordinance. The Selectboard may consider progress, or lack thereof, toward this goal when approving or denying permission to use Town Highways for the Club Sponsored Corridor Trail.

B. The Club and the neighborhood association (concerned citizens) groups agree to form an ATV Committee composed of two (2) representatives of the community appointed by neighborhood association (concerned citizens) groups and two (2) members of the Club. The ATV Committee will meet at least quarterly and shall report to the Selectboard in July and January of each year on its activities. The ATV Committee shall investigate all complaints with reasonable promptness.

**SECTION XII. AGRICULTURAL USE.** The above provisions notwithstanding, nothing herein shall prohibit ATV Operation for agricultural purposes not closer than three feet from the traveled portion of any Town Highway for the purposes of traveling within the confines of the farm.

DATE: 12/1/16

SELECTBOARD SIGNATURES

Michael K. Walsh  
Michael K. Walsh, Chair

Douglas Pastula  
Douglas Pastula, Vice-Chair

Angelo Incerpi  
Angelo Incerpi

Kenneth Linsley  
Kenneth Linsley

Kellie Merrell  
Kellie Merrell

ADOPTION HISTORY

1. Agenda item at a regular Selectboard meeting held on September 15, 2016
2. Read and approved at a special Selectboard Public Hearing on October 20, 2016 and entered into the minutes of that meeting which were approved on November 3, 2016.
3. Posted in public places on November 8, 2016.
4. Notice of adoption published in The Caledonian-Record newspaper on November 15, 2016 with the right to petition.
5. Other actions (petitions, etc.) \_\_\_\_\_.

- Patty McWilliams and Diane Rosenmiller, Library Trustees
- David Munyak, Grand Juror
- Dan McKeen, Copeland Church Fund
- Hilary Solomon, Planning Commission 2-year
- Tom Hurcomb, Planning Commission 3-year

In the one contested race, Herb Childress retained the 3-year seat on the Select Board by a margin of 44 votes, totaling 57% of the named votes, with 2 write-ins and 16 blanks.

Results for the races with no named candidates will be announced by the Town Clerk in the official results, as the counting crew examines numerous write-in selections.

### **Town Ballot Initiatives**

- Article 2, accepting the Auditor's Report, passed at 82%
- Article 3, accepting the Town Plan, passed at 68%
- Article 4, the Town General Budget, passed at 63%
- Article 5, the Highway Budget, passed at 67%
- Article 6, the Junk & Junk Vehicle ordinance, passed at 62%
- Article 7, the ATV ordinance, failed at 33%
- Article 8, letting the Board set Town Meeting time, passed at 84%
- Article 9, establishing the Tax Stabilization Fund, passed at 66%
- Article 10, allocating General Government surplus to the Building fund, passed at 63%

All of the funding requests were passed at 59% or higher EXCEPT two:

- Article 30, Big Heavy World, failed at 42%
- Article 31, the Regional Marketing Initiative, was too close to call

### **Middletown Springs School Board**

- Article 2, the school budget, passed at 61%
- Article 3, moving \$35,000 to the Capital Maintenance Fund, passed at 66%
- all three unopposed races (Chris Smid for Board 2-year, Sarah Haley for Board 3-year, and Kimberly Mathewson for Moderator) were won with at least 280 votes each

### **Middletown Springs / Wells School Consolidation**

- Article 1, asking to approve the merged Wells Springs district, passed at 70%. However, the Merger Vote in Wells went down by ONE VOTE (recounted and verified). So the consolidation remains uncertain.
- All uncontested races were won handily, though these tallies will be combined with vote counts from Wells to come to consolidated totals.
- Meredith Morgan won the at-large seat at 78% in Middletown Springs, though again these tallies must be combined with the votes from Wells.

Previous post: [Act 46 Community Forum](#)

Next post: [Unofficial Results of Tuesday's Special Election](#)



- **Quick Links to Important Docs**

[Town Report for 2018](#)  
[Town Plan 2017](#)

- **Building Committee**

[Listening Tour Report 2018](#)  
[Preliminary Plans & Conceptual Renderings presented at Town Meeting 2016](#)

## Jacqueline Higgins

---

**From:** Steven Mackenzie <manager@barrecity.org>  
**Sent:** Friday, July 26, 2019 3:28 PM  
**To:** Jacqueline Higgins  
**Subject:** RE: Question Re: ATV Ordinances

Hi Jackie:

Replying to you only.

Not surprisingly, we don't have any ATV resource info here in Barre City.

(But I've been following Delcore's reports in the Times Argus).

You've got a tiger by the tail "up there". ☹

Good luck.

Regards,  
Steve

**From:** Abigail Friedman [mailto:afriedman@vlct.org]  
**Sent:** Friday, July 26, 2019 2:56 PM  
**To:** Abigail Friedman <afriedman@vlct.org>  
**Cc:** twnmgr@williamstownvt.org; Karen Horn <khorn@vlct.org>  
**Subject:** Question Re: ATV Ordinances

Good Afternoon,

Please see information request below from Jackie Higgins, Williamstown Town Manager. Please note she's gathering information for a citizen advisory committee. If you have information to share, please "reply all" so she receives your message right away.

*I am gathering information to share with the ATV committee recently appointed by the Selectboard. We have a club that was formed in town, and they want us to open up some of our roads for connectors. Several questions were brought up at a public hearing, and the committee members want to know:*

- (1) Do you have any information to share re: your town's experience with ATV use of town roads about Environmental, Safety, Noise, Economic, Property Value decrease?*
- (2) Can you recommend resources for statewide information?*

Thank you, and happy weekend!

Sincerely,  
- Abby

## Jacqueline Higgins

---

**From:** Reggie Beliveau <rbeliveau@swanton.net>  
**Sent:** Friday, July 26, 2019 3:55 PM  
**To:** Jacqueline Higgins  
**Subject:** FW: Question Re: ATV Ordinances

We don't have anything in place for ATVs, but I was hoping to convince our Board to offer access to Village and Town roads.

The Economic benefit in the summer months would be worth looking into. New Hampshire has a wonderful program I've heard.

Reginald R. Beliveau Jr  
Manager - Village of Swanton  
120 First Street  
Swanton, Vermont 05488  
Office 802-868-3397 - Cell 802-370-5549  
FAX 802-868-3930  
[rbeliveau@swanton.net](mailto:rbeliveau@swanton.net)  
Website [www.swanton.net](http://www.swanton.net)

*NOTE: Any response or reply to this electronic message may be subject to the Vermont Public Records Act.*



**From:** Abigail Friedman  
**Sent:** Friday, July 26, 2019 2:56 PM  
**To:** Abigail Friedman <afriedman@vlct.org>  
**Cc:** twnmgr@williamstownvt.org; Karen Horn <khorn@vlct.org>  
**Subject:** Question Re: ATV Ordinances

Good Afternoon,

Please see information request below from Jackie Higgins, Williamstown Town Manager. Please note she's gathering information for a citizen advisory committee. If you have information to share, please "reply all" so she receives your message right away.

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- (2) Can you recommend resources for statewide information?*

Thank you, and happy weekend!

Sincerely,  
- Abby

## Jacqueline Higgins

---

**From:** admin readsborovt.org <admin@readsborovt.org>  
**Sent:** Monday, July 29, 2019 11:52 AM  
**To:** Abigail Friedman  
**Cc:** Jacqueline Higgins; Karen Horn  
**Subject:** RE: Question Re: ATV Ordinances  
**Attachments:** ATV ORDINANCE - AMMENDED- EFFECTIVE 7-22-19.pdf

Attached above is the Town of Readsboros latest ATV ordinance. Hope it helps

Thanks,  
Karen Boisvert  
Town Administrative Assistant  
Town of Readsboro  
PO Box 187, 301 Phelps Lane  
Readsboro VT 05350  
(802) 423-5652  
(802) 423-5423 Fax  
[admin@readsborovt.org](mailto:admin@readsborovt.org)  
[www.readsborovt.org](http://www.readsborovt.org)

---

**From:** Abigail Friedman [mailto:[afriedman@vlct.org](mailto:afriedman@vlct.org)]  
**Sent:** Friday, July 26, 2019 2:56 PM  
**To:** Abigail Friedman  
**Cc:** [twnmgr@williamstownvt.org](mailto:twnmgr@williamstownvt.org); Karen Horn  
**Subject:** Question Re: ATV Ordinances

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Please see information request below from Jackie Higgins, Williamstown Town Manager. Please note she's gathering information for a citizen advisory committee. If you have information to share, please "reply all" so she receives your message right away.

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- (1) Do you have any information to share re: your town's experience with ATV use of town roads about Environmental, Safety, Noise, Economic, Property Value decrease?*
- (2) Can you recommend resources for statewide information?*

Thank you, and happy weekend!

Sincerely,  
- Abby

## **Ordinance for ATV use on Town Highways: Town of Readsboro, Vermont**

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 (ATVs), 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 the authority of the Town of Readsboro, the townspeople of Readsboro, VT hereby adopt this ordinance to regulate the time, manner, and location of ATV use on specified Town Right of Ways.

### **Section 2: Purpose:**

To make all specified Town Right of Ways open to ATV use.

### **Section 3: Designated Highways open to ATV use under this Ordinance:**

All specified Right of Ways within Town limits of Readsboro, Vermont

The Selectboard will have the authority to add/subtract specified Town Right of Ways open to ATV use providing it is a duly warned at a Regular Selectboard meeting.

### **Section 4: Specific Provisions for ATV Use:**

For the purpose of this Ordinance, an ATV on a public highway shall be considered a motor vehicle, as defined in section 4 of Title 23 of the Vermont Statutes.

All specified Town Right of Ways will be open for ATV use year-round 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.

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

All ATV's will adhere to posted speed limit and travel single file on all Rights of way, and adhere to laws of the road (hand signals, travel with traffic ect).

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

All ATV's will have a curfew of 10pm - 6am on all town roads.

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

### **Section 5: Enforcement:**

Failure to comply with above requirements can result in fines and or other legalities by law enforcement per state law.



**Section 6:**

This Ordinance shall become effective sixty (60) days after is adoption by the Readsboro Selectboard unless a petition requesting voter approval is submitted within 44 days following adoption as provided in 24 V.S.A. § 1973.

This Ordinance shall be entered into the minutes of the Selectboard meeting and posted in at least 5 places within the Town of Readsboro and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the Ordinance is adopted.

Date of Adoption (Amendment): 5/22/19

Effective Date: 7/22/2019

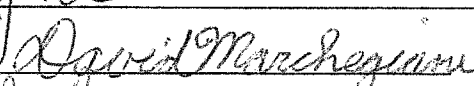
Dated this 22 day of may, 2019

Town of Readsboro Select Board:

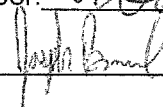
Raymond Eilers, Chairman:



David Marchegiani, Board Member:



Joseph Berard, Board Member:



**Additional Roads to be Included in the VASA Landowner  
Permission Form for the Town of Readsboro, Vermont not  
included in the Town of Readsboro ATV Ordinance**

*Effective May 22, 2019 until Revoked*

1. Howe Pond Road from Daubney Road to Goldmine Road
2. Goldmine Road from Howe Pond Road to Ross Road
3. Ross Road from Goldmine Road to Ross Road Trailhead
4. Branch Hill Road from Trailhead to Main Street
5. Main Street from Branch Hill Road to Post Office (6802 Main Street) for access to the Readsboro General Store, the Hair Salon, ATV Club Headquarters and the Post Office
6. The Town Sand Yard off of Branch Hill Road to School Street
7. School Street from Town Yard Access Road to Main Street for access to Always Emma's Cafe
8. Railroad Alley from School Street to Tunnel Street
9. Tunnel Street from Wheeler Drive to Main Street for access to the American Legion Post 29
10. Wheeler Drive from Tunnel Street to Trailhead
11. Main Street from the Readsboro Inn to the Band Stand
12. Howe Pond Road from Branch Hill Road to Lions Club Trailhead
13. Town Highway 17 from Goldmine Road to Smith Drive

**Special Notes:**

- ATV trails will be opening June 15, 2019 per the local ATV club.
- Current effective date of this request is to allow proper placement of route signage through Readsboro, Vermont.

This permission form will become null and void once the amendment to the Town of Readsboro ATV Ordinance is approved.

## **TOWN OF HUBBARDTON 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 Hubbardton 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 recreation 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, insured, and operated according to the requirements of 23 V.S.A. Chapter 31.
- B. All-terrain vehicles may be operated on all Town highways: unless otherwise posted. No roads will be open to all-terrain vehicles when the Town highways are posted for mud season.
- C. All-terrain vehicles shall not be operated on public bike paths or hiking trails or on V.A.S.T. snowmobile trails.
- D. All speed limits and traffic control devices apply to the operation of ATVs on Town highways.
- E. ATVs may not be operated within the Town between 9 P.M. and 7 A.M. Monday through Friday or between 10 P.M. and 9 A.M. on Saturday and Sunday.
- F. ATVs shall not be operated in any burial ground, or in the parking lots of any church in Town.

**SECTION V. PENALTIES.**

First offense .....\$25.00, waiver fee \$15.00  
Second offense .....\$50.00, waiver fee \$30.00  
Third and each subsequent offense .....\$100.00, waiver fee \$75.00

**SECTION VI. ENFORCEMENT.** This is a civil ordinance and shall be enforced by the constable 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 Hubbardton 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.

**Signed by the Members of the Hubbardton Selectboard on Monday, April 27, 2015.**

\_\_\_\_\_  
*James Casey*

\_\_\_\_\_  
*Richard Grabowski*

\_\_\_\_\_  
*Dwayne Gibbs*

\_\_\_\_\_  
*Janet Morey*

\_\_\_\_\_  
*Robert Gibbs - Chair*

**Adoption History**

1. Agenda item at a regular Selectboard meeting held on \_\_\_\_\_.
2. Read and approved at a regular Selectboard meeting on \_\_\_\_\_ 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 Lakes Region Free Press newspaper on \_\_\_\_\_ with a notice of the right to petition.
5. Other actions [petitions, etc.]

# **TOWN OF GROTON CIVIL ORDINANCE**

## **Regarding the Groton Railroad Bed and Town Parking Areas**

### **1. AUTHORITY**

This is a civil ordinance adopted consistent with or under the authority of 5 V.S.A. § 3425 and §3431; 12 V.S.A. 462; 24 V.S.A. §1971; 24 V.S.A. §2121; 24 V.S.A. § 2291(3)(4)(7)(14)(15)(26) and 19 V.S.A. §2307 re bicycle paths by the Town of Groton by and through its selectboard.

### **2. PURPOSE**

The purpose of this ordinance is to establish rules and regulations to govern the public use of the Groton Railroad Bed in order to preserve, protect, and maintain it as a multi-use, public recreational pathway and a place of natural beauty as well as to promote public safety in the use of this property. The bed shall not be considered a part of the town highway system. The Railroad Bed is intended to be a recreational pathway and will be maintained as such by the Town.

### **3. DEFINITIONS**

For purposes of this ordinance, the following definitions shall apply:

**A. Railroad Bed:** The town property approximately 5 miles long, of varying width but generally at least 66 feet wide that extends from the Ryegate town line to the Groton State Forest railroad bed. A survey giving specific property dimensions is available at the Groton Town Hall. This property at one time was owned by the Montpelier and Wells River Railroad. Ownership passed to the Town of Groton from the State of Vermont in 1981. The state authorized use of the Railroad Bed as a snowmobile trail in 1976 and such use has continued to the present, most recently in accordance with permission forms issued to the Vermont Association of Snow Travelers, Inc. (VAST), the Caledonia County Snowmobile Club and Buckaroos of 302, the local snowmobile club.

**B. Winter:** As used in this Ordinance, winter shall be the period from December 15<sup>th</sup> to April 15<sup>th</sup> enhanced by such additional peripheral periods as may be established from time to time by notice posted by the selectboard consistent with actual snow fall and cover.

**C. Public Use:** Such use as is shared, enjoyed and utilized in common by and for the benefit of all persons and not just by one user for that person's particular needs or requirements.

### **4. RULES and REGULATIONS**

**A. Use, Winter and Otherwise:** All wheeled or tracked motor vehicles are prohibited from use of the Railroad Bed during Winter except for snowmobiles and VAST grooming vehicles and other vehicles by specific written permission of the selectboard. Also, if the Railroad Bed conditions, usage or safety conditions warrant, especially during mud season,

vehicle use may be restricted or a portion of the Railroad Bed may be temporarily closed to vehicle use by notice posted by the selectboard. Emergency Service vehicles shall be permitted to use the Railroad Bed as appropriate and warranted. Pre-existing Winter crossing access is permitted for the following: Nathan Bartlett driveway crossing, Cindy & Lee Waterhouse driveway crossing, Jacob Frey driveway crossing, Dawn Pinette driveway crossing, and Robert Reid driveway crossing.

During any blockage of route 302 which is parallel, the railbed is not to be used as an alternate route by through traffic. This is to allow emergency service vehicles and highway department vehicles the ability to use the railbed to respond to emergencies during such times.

**B. Parking** is permitted, except in Winter, along the Railroad Bed so long as it does not block or unreasonably restrict movement along the traveled way. Overnight parking along the Railroad Bed is not permitted. Parking is also permitted in the village on Town property which is on the north side of Little Italy Road adjacent to Powder Spring Road. This area is maintained by the town and a sign will be posted to identify it as the Railroad Bed Parking area. It shall be unlawful to park in this municipal parking lot between the hours of midnight and 7:00 A.M. during the winter. It shall be unlawful to park at any time within any Town of Groton parking areas or land with the intent of over night camping without written permission from the Selectboard. It shall be unlawful to park within the Railroad Bed Parking area for a period of more than seven (7) days for any reason without written permission from the Town of Groton Selectboard.

Note: There are state parking areas at both ends of the Groton Railroad Bed: at the east end of the Railroad Bed at the Pine Mountain Wildlife Management Area on the Groton/Ryegate Town Line, and at the west end of the Railroad Bed at the corner of Route 232 and Ricker Mill Road where the Railroad Bed enters the State Forest.

**C. ATVs** are prohibited except when they are used for Railroad Bed maintenance.

**D. Alterations and Modifications:** Abutters and the public are not permitted to enhance or maintain or modify the Railroad Bed in any way unless specific, prior, written permission is obtained from the Selectboard. Such permission shall be limited in time and scope but renewable. Alterations include activities such as the cutting of trees or vegetation, applying fill, draining, grading or plowing. The current "Application for Access/Right of Way Permit" form may be used to gain permission for modifications. Consistent with the intent that it is intended to be a recreational pathway, the Railroad Bed shall be maintained as such by the Town.

The town will continue to look to formal organizations such as VAST and Cross Vermont Trail Association for assistance in maintaining the Railroad Bed under, and subject to, town supervision.

**E. Trapping:** The trapping of animals and the use of any trapping devices is prohibited except when trapping is done to protect the Railroad Bed (e.g. a blocked culvert). In such cases, authorization must be by the selectboard and warning signs must be posted.

**F. Structures** (including mailboxes) and signs of any type (including name or directional signs) are prohibited. Exceptions are town approved traffic control signs, VAST and Cross Vermont Trail signs, and Selectboard approved informational signs.

**G. Speed Regulations:** The speed limit over the length of the Railroad Bed shall be posted as fifteen (15) mph for all vehicles except in Winter as above defined. This speed limit will apply to town vehicles as well. The speed limit may be raised as warranted for different sections or areas by decision of and notice by the selectboard after due consideration of appropriate factors including safety, rail bed condition and times of the year. In the absence of any such decision, during Winter as defined above, the local, VAST affiliated, snowmobile club may raise the posted speed limit to twenty-five (25) mph within that section of the bed within Groton Village and to thirty-five (35) mph within the following sections of the bed: the section between Little Italy Road and the Ryegate town line and the section between Wilson Road and the State Forest. Furthermore the sections subject to the increase in the speed limit to thirty-five (35) mph shall be adjusted so as to be consistent with the snowmobile speed limits established from time to time for the adjoining state forest trails.

**H. Right-of-way priorities:** The VAST groomer, because of its size, shall have the right of way during the winter months. These vehicles are slow moving so negotiating passage with other permitted users should not be a problem. Otherwise pedestrians (including skiers and snowshoers) shall yield to horses; bicycles shall yield to horses and pedestrians; and snowmobiles shall yield to pedestrians, bicycles and horses. Vehicles with four wheels and up, except for emergency vehicles, shall have the lowest priority. Emergency vehicles shall have the highest priority.

**I. Dumping:** There shall be no dumping or disposal of any kind of garbage, trash or refuse on the Rail Bed or from the Rail Bed onto adjacent private property.

## **5. Penalties**

**A. Parking:** Any parking violation shall result in a \$25.00 fine. Any vehicle continually or repeatedly parked in violation of the Parking provisions may be summarily removed at the owner's expense, by order of any law enforcement officer, road commissioner or selectperson.

**B. Winter Violation:** Any person who operates a wheeled or tracked motor vehicle on the Railroad Bed during the winter or who allows another person to operate such motor vehicle on the Railroad Bed shall be fined \$50.00 with a waiver fee of \$35.00. If the owner and the operator of a vehicle being operated are not the same person, the owner and operator shall each be liable for the fine of \$50.00 a waiver fee of \$35.00.

**C. Speeding:** The fine will be \$50.00 with a waiver fee of \$35.00 for each occurrence.

**D. Alterations:** Any person who enhances, maintains or modifies the Railroad Bed property in any way unless specific prior written permission is obtained from the Selectboard shall be fined \$50.00 with a waiver fee of \$35.00. Each day that such violation

continues shall constitute a new violation subject to a new fine. In addition, any person who causes damage to or unlawfully within the Railroad Bed shall be responsible for the cost of restoring the Railroad Bed to its condition prior to the damage. Penalties associated with damage to trees shall be determined in accordance with 13 V.S.A. Chapter 77.

**E. Nuisance:** Repeated violation of any provision(s) of this ordinance shall constitute a public nuisance subject to relief by injunction for the abatement of such violation(s).

**F. Other:** The penalty for any other violation of this ordinance shall be a fine of \$50 for each offense. However, the law enforcement officer consistent with the exercise of discretion may issue a written warning for a first offense.

**G. Notice of Trespass:** The select board may also proceed in accordance with 13 V.S.A. §3705 in order to protect the rail bed.

## 6. Enforcement

Enforcement shall be performed by the Groton Town Constable or by any officer of the Caledonian County Sheriff's Department or by any other Vermont law enforcement officer.

## 7. References

**A.** A survey giving specific location and property dimensions of the Railroad Bed can be seen at the Groton Town Hall. Reference can also be made to the official town tax maps subject to appropriate correction thereof consistent with railroad valuation sheet plans and other reliable maps, plans or surveys of any area in question.

**B.** The deed transferring the Railroad Bed from the State of Vermont to the Town of Groton is recorded in Book 31 at Page 359 of the land records in the Groton Town Clerk's office.

## Effective Date

This ordinance shall become effective 60 days after the adoption date shown below.

Adoption Date: \_\_\_\_\_

Wade Johnson \_\_\_\_\_

Deborah Jurist \_\_\_\_\_

Aaron Smith \_\_\_\_\_