

**Report of the Williamstown ATV Trails Committee
to the Williamstown Selectboard
January 2, 2020**

This is the final report of the Williamstown ATV Trails Committee to the Williamstown Selectboard. This report has been prepared by the committee chair per the Committee's decision on December 10, 2019.

Committee Membership:

Beth Allen
Shaun Boyce
Rich Chalmers
Lloyd MacCormick
Mike Martel
Travis Pierce
Gordon Pirie
Mike St Lawrence
Rama Schneider, Chairperson

First some comments from the chair:

Simply put and without exaggeration, Williamstown has a reason to feel good about the quality of citizenship displayed by our residents. A group of people with sometimes opposite and non-negotiable views voluntarily and for months sat down and learned, discussed, and negotiated with each other. And all this was done in a good faith effort by all to reach a compromise committee decision. The time investment itself was significant as most of the committee participated in over half a year's worth of meetings.

The committee had what I consider an interesting rule: as chair I would only vote on procedural issues, and I would not vote on any issue relating to the contents of an ordinance proposal. This meant any issue of real import had to be decided by at least a 5 to 3 vote in favor if any action were to happen – compromise was an absolute requirement.

The Committee feels that with the presentation of this final report, the Committee's work is done.

And now the report of the committee:

The Committee recommends that should the Selectboard opt to enact an ATV roads use ordinance, the attached ordinance proposal is what should be brought forward.

The Williamstown ATV Trails Committee was formed by the Williamstown Selectboard in reaction to an ATV roads use ordinance proposal presented by a group of Williamstown residents. Despite the Committee going through some structural changes, its essential charge remained consistent: "to make an unbiased determination of whether or not any proposed ordinance is in the best interest of the Town and if so, where it may be allowed, for whom and how it may be regulated."

To meet this end the committee on September 10, 2019 passed the following motion: “The Williamstown ATV Trails Committee will have a public presentation prepared no later than January 7, 2020. This presentation may or may not contain a proposal for an ordinance, policy, or other official town directive regarding the use by ATVs of town roads.”

The Committee, through the Town Manager’s office, has maintained an informational web page at <http://williamstownvt.org/atv-trails-committee/>. The information contained therein includes communications from town residents, other communities, and the Town’s attorney.

This online location is also the repository for Committee agendas, minutes, and other materials. These other materials include information gathered during Committee meetings, the town-wide mailing including map of proposed road use network, and responses to that mailing.

The Committee at its meetings also heard from a number of residents who directly expressed their thoughts, hopes, concerns, and suggestions.

The Committee developed and, using Town resources, distributed a town-wide mailing describing the origin of this committee and the work being done.

The Committee heard directly from economist and town resident Tom Kavet regarding economic impacts as well as his views regarding economic impact studies in general as applied to ATV road use.

The committee, at its final meeting on December 10, 2019, passed with a vote of 6 yes to 2 no the following final recommendation to the Williamstown Selectboard: “The Committee feels that should the Selectboard opt to adopt an ATV roads use ordinance, the ordinance the Committee recommends is as currently constructed.”

The phrase “currently constructed” refers to the attached ordinance proposal.

The committee’s final recommendation was not a unanimous vote, and this recommendation is conditional. The lack of unanimity is due to disagreement as to whether or not the ordinance proposal is sufficient to protect the interests of town residents, and the conditionality is due to the legal requirement that only the Selectboard has the legal authority to enact an ATV roads use ordinance.

The committee’s final recommendation does not directly address the “best interest of the Town” question, but committee discussions did cover to varying degrees issues such as quality of life, property values, town expenses, and law enforcement. The Committee, however, did not have the time or resources necessary to adequately explore any particular area.

Rama Schneider
Chair, Williamstown ATV Trails Committee

TOWN OF WILLIAMSTOWN
ORDINANCE REGULATING
ALL-TERRAIN VEHICLE USE ON TOWN HIGHWAYS

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 Williamstown hereby adopts the following civil ordinance regulating the time, manner and location of operation of all-terrain vehicles on town highways.

SECTION II – PURPOSE

The purpose of this ordinance is to protect the health and safety of operators of all-terrain vehicles and 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" (defined under 23 V.S.A. §3501(5)) 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 one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and natural terrain. An ATV on a public highway shall be considered a motor vehicle, as defined in section 4 of this title, only for the purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U), (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D); (4)(A) and (B) and (5) of this title and as provided in section 1201 of this title. An ATV shall not include an electric personal assistive mobility device.
- b. "Operate" (defined under 23 V.S.A §3501(3)) includes an 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 at motion or rest.
- c. "VASA" means the Vermont ATV Sportsman's Association.
- d. "TAD" means VASA Trail Access Decal.

SECTION IV – OPERATION OF ATV's

- a. All ATVs must be registered, insured and operated by someone with a valid state drivers license according to requirements of 23 V.S.A Chapter 31 and additional requirements.
- b. A valid VASA TAD must be attached to the front and rear of the ATV in order to ride on VASA trails.
- c. Helmets are required to ride all VASA trails and participate in all VASA events on an ATV unless it has appropriate roll cage and seat belts.
- d. All-terrain vehicles may be operated only on the following town highways:
 - i. Business Center Rd from Route 14 to Hebert Construction
 - ii. Erskine Rd from Meadow St to Gilbert Rd
 - iii. Gilbert Rd from Erskine Rd to Young Rd
 - iv. Young Rd from Gilbert Rd to Baptist St
 - v. Baptist St from Therriault Hill to Chelsea Rd
 - vi. Carpenter Rd From Chelsea Rd to South Hill Rd
 - vii. South Hill Rd from Carpenter Rd to Graham Rd
 - viii. Graham Rd from South Hill Rd to Winchester Hill Rd
 - ix. Winchester Hill Rd from Graham Rd to Route 14
 - x. Tripp Rd from Route 14 to Boyce Rd
 - xi. Boyce Rd from Tripp Rd to Rood Pond Rd
 - xii. Rood Pond Rd from Boyce Rd to Route 64
 - xiii. Grandview Rd from Chelsea Rd to Tower Rd
 - xiv. Tower Rd from Grandview Rd to Sugar House Rd/Therriault Hill
 - xv. Therriault Hill from Baptist St to Tower Rd
 - xvi. Sugar House Rd from Tower Rd to Highland Hill Rd/Washington Town Line
 - xvii. Washington Rd from Tower Rd to Macdonald Rd/Washington Town Line
 - xviii. Meadow St from Erskine Rd to Depot St
 - xix. Depot St from Meadow St to Beckett St

- xx. Beckett St from Depot St to where it turns to a one-way street
- e. All-terrain vehicles shall not be operated on public bike paths or hiking trails or on V.A.S.T. snowmobile trails unless the property owner has signed a VASA Landowner Permission form.
- f. Speed limit on Town highways is 20 mph highways unless otherwise posted.
- g. ATVs may be operated on Town highways only between 8 A.M. and 9 P.M.
- h. ATVs may only be operated on Town highways between May 15th and October 15th.
- i. All Town highways open for ATV travel must be appropriately signed.
- j. Yearly Review of this ordinance to take place the first select board meeting in January after 2020
- k. Club must make a valid effort yearly to get off roads and on to private land with landowner permission slips.
- l. Affected property owners shall have the right to petition the Town to add or remove 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 such portion of the club sponsored trail. Such addition or removal shall be at the discretion of the select board 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.

SECTION V – PENALTIES

- a. First offense\$50.00, waiver fee \$35.00
- b. Second offense\$100.00, waiver fee \$70.00
- c. Third and each subsequent offense\$250.00, waiver fee \$225.00

SECTION VI – ENFORCEMENT

This is a civil ordinance and shall be enforced by 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 60 days after its adoption by the Williamstown 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.

WILLIAMSTOWN SELECTBOARD SIGNATURES

_____	_____	

Printed Name	Signature	Date
_____	_____	

Printed Name	Signature	Date
_____	_____	

Printed Name	Signature	Date
_____	_____	

Printed Name	Signature	Date