

TOWN OF NEWPORT
ALL TERRAIN VEHICLE ORDINANCE

SECTION 1. AUTHORITY

Pursuant to the provisions of Title 23, section 3510; Title 24 section 2291 (4); and Title 24, Chapter 59 of the Vermont Statutes Annotated, the selectboard of the Town of Newport, Vermont, for the purpose of promoting the public health, safety, welfare and convenience, does hereby ordain as follows:

SECTION II – PURPOSE

The purpose of this ordinance is to protect the health and safety of operators of all-terrain vehicles, the residents of the town and to protect the animals, property and environment of the town. The provisions of this Ordinance are intended to supplement, but not to contradict, the regulations of all-terrain vehicles as set forth in Chapter 31 of Title 23 of the Vermont Statutes Annotated.

SECTION III – DEFINITIONS

- A. "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 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: : water, snow, ice, marsh, swampland, and natural terrain. An ATV shall not include an electric personal assistive mobility devise.
- B. "Operate" shall include any attempt to operate and shall be construed to cover all matters and things connected with the presence and of all-terrain vehicles whether they are in motion or at rest.

SECTION IV – OPERATION OF ATV'S

- A. Except as otherwise provided by law, no all-terrain vehicles shall be operated on any public highway within the Town of Newport, except that all-terrain vehicles fully conforming to the requirements of Title 23, Chapter 31 of the Vermont Statutes Annotated and the requirements set forth in subsection B hereof may, in accordance with the provisions of Title 23, Section 3506 (b) (1) of the Vermont Statutes Annotated, be operated on all Class 2, 3, 4 highways in the Town of Newport, and then only in accordance with the requirements of title 23, Chapter 31 of the

Vermont Statutes Annotated as well as the requirements set forth in subsection B of this section.

B. Only those all-terrain vehicles conforming to the following requirements may be operated on those town highways set forth in Subparagraph A of this section:

1. All ATV's must be registered and operated according to the requirement of 23 V.S.A Chapter 31.
2. At all times while operating an ATV on town highways, operators shall have a valid driver's license and wear a safety helmet that is approved by the Department of Transportation.
3. ATV/s traveling on town highways shall travel on the right side of the highway, in single file, and with headlights on at a rate of speed not to exceed 35 MPH.
4. ATV's may not be operated within the town between dusk and 7AM.
5. ATV's operated on town highways pursuant to this ordinance shall have the following properly working equipment:
 - a. One or more headlights
 - b. A red rear light
 - c. Decal approved by the town
 - d. Brakes in good mechanical condition
 - e. A United States Forest Service qualified spark arrester
 - f. A muffler system and such other equipment or devices that comply with the noise level standards as set forth in 23 V.S.A. section 3505 (b), and regulations adopted pursuant thereto.
6. The use of ATV's is authorized on Class II, III, IV town highways located in the town of Newport. The use of ATV's is authorized on a permitted town highway from May 10th to October 1st of each year unless for a particular year the selectboard authorizes a different date.
7. All ATV operators may operate ATVs along Class II, Class III, and Class IV Town Highways with the yearly purchase of a Town decal at a fee established by the selectboard, with proof of a valid driver's license, registration and liability insurance with minimum coverage of \$25,000 personal injury per person; \$50,000 total personal injury; and \$10,000 property damage in effect for said ATV.

SECTION V – PENALTIES

1. In accordance with 24 V.S.A sections 1974 and 1974a, any person who violates a provision of this Civil Ordinance shall be subject to a civil penalty of up to \$500.00

- per day for each day that such violation continues. Each day the violation continues shall constitute a separate violation.
2. The constable of the Town of Newport and/or any person(s) duly appointed by the selectboard shall have the authority to act as an Issuing Municipal Officer, to issue and pursue before the Judicial Bureau, a municipal complaint.
 3. An Issuing Municipal Officer 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 who pays the Waiver Fee. Offenses shall be counted on a calendar year basis and Waiver Fee levied as follows:
 - a. First Offense full penalty \$100.00, waiver fee \$50.00
 - b. Second Offense full penalty \$200.00, waiver fee \$100.00
 - c. All subsequent offenses full penalty \$500.00, waiver fee \$250.00
 4. Operators of ATV's shall be liable, in addition to the fees set forth above, for all repairs costs incurred for damage to town highways and/or property caused by the ATV.
 5. The Town of Newport accepts no liability for the operation of ATV's on any town highway under the provisions of this Ordinance.

SECTION VI – APPEALS

1. Any person cited for a violation of this ordinance may contest the violation before a judge in the Judicial Bureau.
2. A judgment entered by the Judicial Bureau may be appealed under the provisions of 4 V.S.A Section 1107.

SECTION VII – ENFORCEMENT

A violation of this ATV Civil Ordinance shall be a civil matter enforceable in the Judicial Bureau in accordance with the provisions of 24 V.S.A chapter 59.

SECTION VIII – EFFECTIVE DATE

1. This Ordinance shall become effective sixty days after it's adoption by the legislative body, unless a petition is filed under 24 V.S.A section 1973, in which case said statute shall govern the taking effect of this Ordinance.
2. A petition, as provided for in 24 V.S.A section 1973, for a vote on the question of disapproving this Ordinance, or amendments thereto, shall be signed by no less than five percent of the qualified voters in the Town of Newport, and presented to the legislative body or to the Town Clerk within forty four days following the date of adoption of the Ordinance. If such a petition is properly filed, the legislative body shall call a special meeting within sixty days from the receipt of the petition, or include an article in the warning for the next annual town meeting if the annual