

**TOWN OF SUTTON AMENDED 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. § 3210 and 3510, the Selectboard of the Town of Sutton hereby adopts the following civil ordinance regulating the time, manner, and location of operation of all-terrain vehicles within the town.

SECTION 2. PURPOSE. The purpose of this Ordinance is to promote and protect the public health, safety and welfare of the Town, and to preserve residents' rights to peaceful and quiet enjoyment and protection of homes and properties by regulating and effectively enforcing the time, manner, and location of operation of all-terrain vehicles ("ATVs") within the Town. The use of Town highways or portions thereof is a privilege.

SECTION 3. 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 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, road or legal trail 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.
- B. "Club-sponsored trail" means a Vermont All-Terrain Vehicle Association (VASA) trail to allow passage from Sutton to the boundary of an adjacent town permitting ATV use.
- C. "Commercial ATV Operation" will mean the operation of any ATV on any Town Highway or legal trail open to the public, by a guided tour or by someone who has borrowed, rented or leased an ATV from an individual or corporate entity charging a fee for a tour or rental for participation in the tour
- D. "Enforcement Officer" means any law enforcement officer certified by the Vermont criminal justice training council.
- E. "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.
- F. "Town highway" means any publicly accessible highway, road, or legal trail of any classification under control or jurisdiction of the Town of Sutton.

- G. "Town" means Town of Sutton or its legal representatives.
- H. Helmet: Protective headgear shall be the same standard quality as required and certified for the operation of motorcycles by the Commissioner of the Department of Motor Vehicles. The headgear shall be equipped with either a neck or chin strap.
- I. Other definitions found in 23 V.S.A. § 3501 are incorporated herein by reference.

SECTION 4. OPERATION. Provisions of 23 V.S.A. § 3506 are incorporated by reference.

- A. All ATVs must be currently registered and be insured for at least state-minimum liability requirements. A valid Vermont All-Terrain Vehicle Association (VASA) Trail Access Decal (TAD) must be attached to the rear of the ATV.
- B. ATVs shall not be operated on school grounds, the town sand pit, or around town office buildings without Select Board permission. Pursuant to 23 V.S.A. § 3506 (10), ATVs shall not be operated in any burial ground in the Town.
- C. Persons operating ATVs must be at least 16 years of age with a valid driver's license unless accompanied by a parent or guardian 18 years old or older with a valid driver's license.
- D. TOWN HIGHWAYS OPENED TO ATVs. Pursuant to 23 V.S.A. § 3506 (b) (1), an all-terrain vehicle may not be operated along a public highway unless it is not being maintained during the snow season and unless the highway has been opened to all-terrain vehicle travel by the Select Board and is so posted by the Town except an all-terrain vehicle being used for agricultural purposes may be operated not closer than three feet from the traveled portion of any highway for the purpose of traveling within the confines of the farm.
- E. Operators and passengers must wear helmets, required by 23 V.S.A. § 3501, and passengers will be properly restrained, as required by 23 V.S.A § 1258.
- F. No commercial ATV operation shall be permitted on Town highways.

In addition, the following Town highways, with the authorization of the Select Board shall be open to ATV traffic:

1. State of Vermont highways are open to ATV traffic, only to cross at a 90-degree angle.
2. All Class II and Class III highways in the Town of Sutton are open to ATV traffic.

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. Notwithstanding the above, no person shall drive an ATV on a public right of way at a speed greater than 25 miles per hour or unless otherwise posted or faster 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.

All Town highways open to ATV travel must be signed by the Town in conformance with the *Manual of Uniform Traffic Control Devices (MUTCD)*, as required by 23 V. S. A. § 1025.

SECTION 6. TIME AND SEASON OF OPERATION. ATVs may only be operated within the Town between 7 am and 9 pm. ATVs may only be operated within the Town between May 15th and September 30th.

SECTION 7. SINGLE FILE; RACING. Where ATV travel on Town highways is permitted, such travel shall be single file. No racing shall be allowed.

SECTION 8. PENALTIES.

- A. The Enforcement Officer is authorized to recover civil penalties for operation of an ATV in excess of 25 mph or in excess of the posted speed limit as specified in Sutton's Speed Ordinance or for other offenses in the State of Vermont's Judicial Bureau Penalty Schedule.
- B. The Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance as set out below:
- Failure to operate in single file:
 - 1st Offense: \$ 100 fine. Waiver amount: \$ 75
 - 2nd Offense: \$ 150 fine. Waiver amount: \$ 125
 - 3rd and Subsequent Offense: \$ 250 fine. Waiver amount: \$ 250
 - Engaging in racing:
 - 1st Offense: \$ 200 fine. Waiver amount: \$ 150
 - 2nd Offense: \$ 300 fine. Waiver amount: \$ 250
 - 3rd and Subsequent Offense: \$ 400 fine. Waiver amount: \$ 350
 - Operation during hours when operation is prohibited:
 - 1st Offense: \$ 100 fine. Waiver amount: \$ 75
 - 2nd Offense: \$ 150 fine. Waiver amount: \$ 125
 - 3rd and Subsequent Offense: \$ 250 fine. Waiver amount: \$ 250
 - Operation on public property:
 - 1st Offense: \$ 100 fine. Waiver amount: \$ 75
 - 2nd Offense: \$ 150 fine. Waiver amount: \$ 125
 - 3rd and Subsequent Offense: \$ 250 fine. Waiver amount: \$ 250

- Operation without helmet or proper restraints (each person):
 1st Offense: \$ 100 fine. Waiver amount: \$ 25
 2nd Offense: \$ 150 fine. Waiver amount: \$50
 3rd and Subsequent Offense: \$ 250 fine. Waiver amount: \$100

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

SECTION 9. ENFORCEMENT. The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and may be the appearing officer at any hearing.

SECTION 10. OTHER LAWS. This Ordinance is in addition to all other ordinances of the Town and all applicable laws of the State of Vermont. All ordinances or 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 11. 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 12. 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.

SECTION 13. ANNUAL REVIEW. This ordinance, its operation, and any recommendations by the public and the ATV club shall be reviewed annually by the Select Board at the first regularly-scheduled Select Board meeting following the Sutton Annual Town Meeting and not later than the April meeting.

Date of adoption by the Select Board: September 30, 2021

Signatures of Select Board members:

[Signature]
Anthony J. Loring
Tom Simpson

09/30/21
 DATE
09/30/21
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9-30-21
 DATE