

# **Town of Whitingham, Vermont**

## **Ordinance Regulating All-Terrain Vehicles (ATVs)**

Whereas the Town of Whitingham 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 Selectboard hereby adopts this Ordinance Regulating All-Terrain Vehicles (ATVs)

### **Section 1: Authority:**

The Town adopts this ordinance pursuant to 23 V.S.A. section 3510 and pursuant to Chapter 59 of Title 24 Vermont Statutes Annotated.

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

The purpose of this ordinance is to regulate the time, manner, and location of ATV use on specified Town highways and Town trails.

### **Section 3: Definitions:**

All terms used herein shall have the same definitions as set forth in state statute.

### **Section 4: Designated Town Highways and Town Trails open to ATV Use under this Ordinance:**

The Selectboard hereby opens the Town highways and Town trails listed on Addendum A, "List of Town Highways and Town Trails Open to ATV Use". Said list may be amended from time to time. The Selectboard will have the authority to add/subtract specified Town highways and Town trails open to ATV use to and from the list providing it is done at a duly warned Regular Selectboard meeting.

### **Section 5: Specific Provisions for ATV Use:**

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

All specified Town highways and Town trails listed on Addendum A set forth in Section 3 will be open for ATV use year-round except for closures by the Selectboard, Road Commissioner, designated individual, and/or the local ATV Club. Closures will be indicated by signage on the Town highways and/or Town trails.

All ATV's must have a present and valid registration (Vermont or reciprocal state), carry Vermont State minimum liability insurance, and hold V.A.S.A. membership.

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

All ATV operators will adhere to posted speed limit and travel single file on all Town highways and Town trails and adhere to laws of the road (hand signals, travel with traffic, etc.).

All ATV's will have a curfew of 10pm - 6am on all Town highways and Town trails.

Any person operating an ATV on a town road class 1, 2, or 3 must be at least 16 years of age and hold a valid driver's license.

**Section 6: Enforcement:**

Failure to comply with above requirements shall result in fines and or other law enforcement penalties issued by law enforcement officers per state law. This ordinance shall be designated a criminal ordinance pursuant to 24 VSA section 1971.

**Section 7: Effective Date:**

This Ordinance shall become effective sixty (60) days after its adoption by the Whitingham 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 on a day not more than fourteen (14) days following the date when the Ordinance is adopted.

**Date of Adoption:** Adopted this 3<sup>rd</sup> day of June 2020.

**Effective Date:** Sixty days after adoption (August 2, 2020)

**Town of Whitingham Selectboard:**

Wayne W. Wood, Chair: Wayne W. Wood

Scott Reed, Vice Chair: Scott Reed

Wayne Corse, Member: \_\_\_\_\_

Phil Edelstein, Member: \_\_\_\_\_

Craig Hammer, Member: Craig Hammer

**ADDENDUM A: List of Town Highways and Town Trails Open to  
ATV Use**

Tunnel Street  
Bosley Hill Road  
Lone Pine Road

**Addendum A** adopted June 3, 2020

Wayne W. Wood, Chair Wayne W. Wood

Scott Reed, Vice Chair Scott Reed

Wayne Corse, Member \_\_\_\_\_

Phil Edelstein, Member \_\_\_\_\_

Craig Hammer, Member Craig Hammer