

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 Derby hereby adopts the following civil ordinance regulating the time, manner, location and/or operation of all-terrain vehicles on property owned or controlled by the Town, including town highways and legal trails.

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 wildlife, real and personal property and environment of the Town.

SECTION III: DEFINITIONS.

- A. "All-terrain vehicle," or "ATV," means any non-highway recreational vehicle, except snowmobiles, having no less than three low pressure tires (10 pounds per square inch, or less), not wider than 60 inches, 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 device
- 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 are in motion or at rest.

SECTION IV: OPERATION OF ATVs. The following requirements shall apply to all ATVs operated on property owned or controlled by the Town, including town highways and legal trails.

- A. All ATVs must be registered, equipped and operated according to the requirements of 23 V.S.A. Chapter 31.
- B. A valid Vermont ATV Sportsman's Association (VASA) plate must be attached to the front of all ATVs.
- C. ATVs shall not be operated on any Town property, highway or legal trail unless the Selectboard grants permission to VASA/local ATV organization.
- D. All Town highways or legal trails opened to ATVs operation by the Selectboard shall be so posted, and a list of highways and legal trails open to ATVs shall be maintained in the Town Clerk's office. Any traffic control signs related to ATV operation shall comply with the Manual on Uniform Traffic Control Devices in form and placement. The Town shall be responsible for the placement of any signs related to ATV operation on Town highways and legal trails.
- E. Speed limit signs and stop signs shall be posted at any location where an ATV trail enters or crosses a Town highway or legal Trail. Advance notice signs shall be erected approximately 250 feet prior to any location where the trails enters or crosses a Town highway or legal trail. These signs shall be approved by the Derby Selectboard. The expense of these signs and erecting, posting and maintaining of the signs on the trails shall be the responsibility of the adjoining landowner or local ATV Club. It shall be a violation of this Ordinance to access or cross a public highway or legal trail from an ATV trail that is not posted in accordance with this provision.
- F. ATV operators shall obtain and maintain liability insurance and shall carry proof of the same.
- G. Operators of ATVs on Town highways and legal trails shall comply with all traffic control devices.
- H. ATV operators shall yield the right of way to all other motor vehicles, pedestrians and other users of Town highways and legal trails and shall stay on posted trails.

- I. ATVs shall operate in single file, as far to the right as possible, with headlights on, and at a rate of speed not to exceed 15 MPH at all times while on Town highways or legal trails.
- J. Unless the Selectboard for any reason designates otherwise, ATVs shall not be operated between October 1st and May 15th of each year.
- K. ATVs shall not be operated between the hours of 9 P.M. and 8 A.M.
- L. ATVs shall not operate on any Town highway or legal trail within 50 yards of any year round residence, school, church, or nursing home, unless permission is granted by the property owner/resident.
- M. Nothing contained in this Ordinance shall authorize or create any cause of action to accrue or to be maintained against the Town of Derby, and the Town accepts no liability for the operation of ATVs on Town highways or legal trails.

SECTION V: PENALTIES.

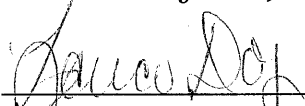

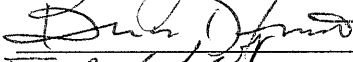

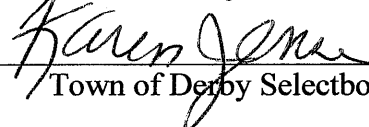
- A. An Issuing Municipal Official shall have the authority to levy and collect a Wavier fee in lieu of a civil penalty from any person who declines to contest a municipal complaint and pay the Wavier fee. Offenses shall be counted on a calendar year basis and wavier fees are as follows:

First offense	\$100.00, waiver fee \$75.00
Second offense	\$200.00, waiver fee \$150.00
Third and each subsequent offense	\$500.00, waiver fee \$300.00
- B. Operators of ATVs shall be liable, in addition to the fees set forth above, for all repair costs incurred for damages to Town roads, legal trails and/or other municipally-owned lands caused by the operation of ATV on property owned or controlled by the Town.

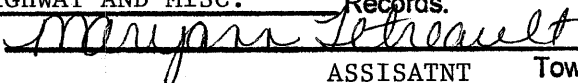
SECTION VI: ENFORCEMENT. This is a civil ordinance and shall be enforced by the constable/sheriff/police officer or any person(s) duly appointed by the Selectboard as an Issuing Municipal Official through the Judicial Bureau in accordance with the provisions of 24 V.S.A. Chapter 59.


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 Derby Selectboard and shall supersede and replace all previous ordinances regulating the time, manner, location and/or operation of all terrain vehicles. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the effective date of this ordinance.






 Town of Derby Selectboard

9/21/2009
DATE

DERBY, VT TOWN CLERK'S OFFICE
 RECEIVED FOR RECORD
 DECEMBER 1, _____ A.D. 2009
 at 7 o'clock 07 minutes AM
 and recorded in Book 2 Page 37-38
 of HIGHWAY AND MISC. Records.
 Attest: 
 ASSISATNT Town Clerk

DERBY, VT TOWN CLERK'S OFFICE RECEIVED FOR RECORD
 DECEMBER 1, 2009 AT 7:07 A.M. AND RECORDED IN BOOK
 TOWN #14 PAGE 9-10 OF TOWN RECORDS.
 ATTEST: 
 ASSISTANT TOWN CLERK