

## 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, as defined in VSA Title 23 Chapter 31.
- 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.
- C. "Town Highway" or "Town Highways" means all class 1, 2, 3, and 4 town highways located within the Town of Derby.
- D. "VASA" means the Vermont All-Terrain Vehicle Association.

**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. ATVs shall not be operated on any Town property, highway or legal trail unless the Selectboard grants permission to VASA/local ATV organization. VASA/local ATV organization shall contract directly with law enforcement to ensure safe operations of ATVs on Derby Highways.
- C. ATV operators must have a valid driver's license when operating an ATV on permitted Town highways or legal trails.
- 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.
- 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. ATVs shall operate in single file. No racing shall be allowed.
- I. Hand signals are required to indicate all turns and stops, in the absence of street legal turn signal lights.

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

- 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.

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*[Handwritten signature: Donald Smith]*  
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Town of Derby Selectboard