

TOWN OF ROYALTON ATV ORDINANCE

TOWN OF ROYALTON

ORDINANCE REGULATING ALL-TERRAIN VEHICLES (ATVs)

SECTION 1. AUTHORITY. Under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. §§ 2291(1),(4), 23 V.S.A. § 3506, and 23 V.S.A. § 3510, the Selectboard of the Town of Royalton 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 quiet enjoyment of homes and properties by regulating the time, manner, and location of operation of all-terrain vehicles ("ATVs") within the Town.

SECTION 3. DEFINITION

A. "All-terrain vehicle," or "ATV," means any non-highway recreational vehicle, except snowmobiles, having not 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 2,500 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 does not include an electric personal assistive mobility device, a motor-assisted bicycle, or an electric bicycle.

B. "Enforcement Officer" means any law enforcement officer certified by the Vermont criminal justice training council.

C. "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.

D. Other definitions found in 23 V.S.A. § 3501 are incorporated herein by reference.

SECTION 4. TOWN HIGHWAYS OPENED.

Class IV Portion of Otto Merrill Rd

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 15 mph except where otherwise posted and 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. Pursuant to 23 V.S.A § 3506 (b) (2) (C).

SECTION 6. TIME AND SEASON OF OPERATION. ATVs may only be operated within the Town between 9:00 AM and 8:00 PM, 7 days/week between May 15th through September 30th unless otherwise posted.

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

SECTION 8. OPERATION ON PUBLIC PROPERTY AND CEMETERIES. ATVs shall not be operated on Town/public property not open to ATV operation, including: sidewalks, bike paths, hiking trails, recreation fields, on any public greens, in any burial grounds or cemetery, on any school playground, child care center, in any wastewater treatment plant, or in the parking lots of any religious worship, "Park & Ride" areas and hospital/clinic and nursing home, or as otherwise prohibited by law-unless specific permission is granted by the selectboard or authorized entity. Pursuant to Title 23 V.S.A. Chapter 31 § 3506(10), ATVs shall not be operated in any burial ground in the Town.

SECTION 9. OPERATION OF ATV's.
Pursuant to Title 23 Chapter 31

SECTION 10. PENALTIES.

A. The Enforcement Officer is authorized to recover civil penalties for operation of an ATV in excess of the posted speed limit as specified in *Traffic Ordinance 6-9-2020* and 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: \$90

2nd Offense: \$250 fine. Waiver amount: \$240

3rd Offense: \$500 fine. Waiver amount: \$490

- Engaging in racing:

1st Offense: \$100 fine. Waiver amount: \$90

2nd Offense: \$250 fine. Waiver amount: \$240

3rd Offense: \$500 fine. Waiver amount: \$490

- Operation during hours when operation is prohibited:

1st Offense: \$100 fine. Waiver amount: \$90

2nd Offense: \$250 fine. Waiver amount: \$240

3rd Offense: \$500 fine. Waiver amount: \$490

- Operation on public property:

1st Offense: \$100 fine. Waiver amount: \$90

2nd Offense: \$250 fine. Waiver amount: \$240

3rd Offense: \$500 fine. Waiver amount: \$490

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.

C. The Enforcement Officer is authorized to recover civil penalties for the following violations is as set by the State of Vermont:

- Operation along a highway that has not been opened for use by the Selectboard. 23 V.S.A. § 3506(b)(1)(A).
- Operation within a public cemetery. 23 V.S.A. § 3506(b)(10).
- Operation on a sidewalk that has not been opened for travel by the Selectboard. 23 V.S.A. § 3206(b)(12).

SECTION 11. 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 12. 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 13. 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 14. YEARLY REVIEW. Yearly review of this ordinance to take place at the first selectboard meeting in January after adoption. Yearly review shall include Town permission waiver to maintain Town as additional insured under VASA policy.

SECTION 15. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption or amendment by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

Date of adoption by the Selectboard: October 22, 2024

Signatures of Selectboard members:

Pat D.
Larry Trotter
Grant
Robert A. Gray Jr.

July 22, 2025
DATE

Adoption History

1. Agenda item at regular Selectboard meeting held on October 22, 2024.
2. Read and approved at regular Selectboard meeting on October 22, 2024 and entered in the minutes of that meeting which were approved on November 12, 2024
3. Posted in public places on October 23, 2024.
4. Notice of adoption published in the Herald newspaper on October 24, 2024 with a notice of the right to petition.
5. Other actions [petitions, etc.]