

TOWN OF ROXBURY

ORDINANCE REGULATING ALL-TERRAIN VEHICLE USE ON TOWN HIGHWAYS

Adopted July 21, 2014

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 Roxbury hereby adopts the following civil ordinance regulating the time, manner, and location of operation of all-terrain vehicles on Town highways.

SECTION II. PURPOSE. The purpose of this ordinance is to protect the health and safety of operators of all-terrain vehicles and of the residents of the Town and to protect the animals, 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: land, water, snow, ice, marsh, swampland, and natural terrain. An ATV on a public highway shall be considered a motor vehicle, as defined in section 4 of this title, only for the purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U), (Y), (FF), (GG), (II), and (ZZ); (2)(A) and (B); (3)(A), (B), (C), and (D); (4)(A), and (B) and (5) of this title and as provided in section 1201 of this title. 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.

C. "VASA" means the Vermont ATV Sportsman's Association

SECTION IV. OPERATION OF ATVs.

A. All ATVs must be registered and operated according to the requirements of 23 V.S.A. Chapter 31.

B. A valid VASA plate must be attached to the front of the ATV.

C. All ATVs operating on Town highways must have liability insurance in accordance with minimums as defined by the State of Vermont.

D. All-terrain vehicles may be operated only on the following town highways:

1. Bull Run Road From The Northfield Town Line To Cruickshank Road.

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2. Taylor Road In Its Entirety.
3. Cruickshank Road In Its Entirety.
4. Royce Road In Its Entirety.
5. Horner Road In Its Entirety.
6. Tracy Hill Road From The Old Mail Route To Horner Road.
7. Drown Road In Its Entirety.
8. Winch Hill Road In Its Entirety.
- 9. Messier Road In Northfield Town line to snowmobile gate (.2 mi)**
- 10. Beaver Meadow Road In Its Entirety.**
- 11. Steele Hill Road From Drown Road to Eagle Peak.**
- 12. Braintree Hill Road to Stickney's gate (.82 mi).**
- 13. Winch Hill Road in its Entirety.**

E. All-terrain vehicles shall not be operated on public bike paths or hiking trails or on V.A.S.T. snowmobile trails unless the property owner has signed a VASA Landowner Permission form.

F. All speed limits and traffic control devices apply to the operation of ATVs on Town Highways unless otherwise posted.

G. ATVs may not be operated on Town Highways between 10 P.M. and 7 A.M.

H. ATVs may not be operated on Town Highways between November 1st and April 15th.

I. All town highways that are open to ATVs must be so posted. These signs shall be approved by the Roxbury Selectboard. Speed limit signs and stop signs shall be posted at any location where the trail enters the Town Highway. The expense of these signs and erecting, posting and maintaining of the signs shall be the responsibility of the Lost Nation ATV Club, Inc.

SECTION V. PENALTIES.

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The Municipal Authority shall have the authority to levy and collect a Waiver Fee in lieu of a civil penalty from any person who declines to contest a municipal complaint and pay the Waiver Fee.

First offense \$50.00, waiver fee \$35.00

Second offense \$100.00, waiver fee \$70.00

Third offense \$250.00, waiver fee \$225.00

A fourth offense will result in the immediate revocation of membership to the Lost Nation ATV Club, Inc. Offenses will accumulate in perpetuity, therefore offense count will not reset at the start of the new season.

SECTION VI. ENFORCEMENT.

Designated enforcement officers will be in accordance with V.S.A. 23 Chapter 31 and V.S.A Chapter 59. They shall issue complaints and may be the appearing officer at any hearing. The Lost Nation ATV Club, Inc and The Town of Roxbury both reserve the right to designate, appoint and/or employ enforcement officers at their discretion. 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 Roxbury Selectboard and shall supersede and replace all previous ordinances regulating the time, manner, and location of operation of all-terrain vehicles. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

SIGNATURES:

DATE:

Shawn Neun

July 21, 2014

Stephen Twombly

David McShane

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This revised ordinance was adopted by the Roxbury Selectboard at their regularly scheduled meeting on July 21, 2014. It will take effect on September 19, 2014, unless a petition signed by at least five percent (5%) of the qualified voters of the Town of Roxbury is filed with the Roxbury Town Clerk by September 3, 2014, asking for a vote to disapprove the ordinance. If a petition is received, the Roxbury Selectboard will warn a special meeting and the qualified voters may vote on the question.

This is a revised ordinance. The changes are in bold listing the names of roads ATV's may be operated on.

Copies of the ordinance can be obtained at the Roxbury Town Clerk's Office and the Roxbury web-site www.roxbury.govoffice2.com. If you have any questions, please contact one of the Roxbury Selectboard Members.