

## **Town of Poultney**

### **Ordinance Regulating All-Terrain Vehicles (ATVs)/ Utility Task Vehicles (UTVs)**

**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 Poultney hereby adopts the following civil ordinance regulating the time, manner, and location of operation of all-terrain vehicles/ utility task vehicles within the town.

**Section 2. Purpose.** The purpose of this Ordinance is to promote and protect the health and safety of operators of all-terrain vehicles/ utility task vehicles, and of the residents of the Town and to protect the animals, property, and environment of the Town.

#### **Section 3. 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 72 inches with permanent, full-time power to all 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 on a public highway shall be considered a motor vehicle. An ATV does not include an electric personal assistive mobility device, a motor-assisted bicycle, or an electric bicycle.
- b. “Utility task vehicles”, or “UTV”, is not specifically defined in Vermont law, but it is generally understood to be a larger type of ATV designed for professional or utility tasks, often with the capacity for hauling heavier loads and more passengers.
- 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/ utility task 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. Operator Eligibility**

- a. All ATVs/ UTVs operating on Town of Poultney highways must be Vermont ATV Sportsman Association (VASA) eligible and;
  - i. Must be registered and operate according to the requirements of 23 V.S.A. § Chapter 31; and
  - ii. Must have proof of liability insurance in accordance with 23 V.S.A. Chapter 11.
  - iii. ATV/ UTV operators must be individuals 16 years of age or older with a valid driver’s license.

#### **Section 5. Operation of ATVs/UTVs**

- a. ATVs/ UTVs shall be operated in a safe manner on Town highways and shall obey all traffic regulations that apply to other motor vehicles permitted on the Town highways. All ATVs/ UTVs shall yield the right of way to all motor vehicles, pedestrians, bicyclists, and horse riders using the highways. All ATVs/ UTVs must be operated on the far right of the highway when operating on a public highway.
- b. ATV/ UTV operators shall comply with all state statutes governing their operation.

- c. All posted speed limits and traffic control devices on Town highways shall apply to the operation of ATVs/ UTVs. Notwithstanding the above, no person shall drive an ATV/ UTV on a public right of way at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards existing. In every event, speed shall be controlled as necessary to avoid collision with any person, vehicle, bicycle, ATV, UTV or other object on or adjacent to the ATV/ UTV trail.
- d. The operator of every ATV/ UTV shall drive at an appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding road and when a special hazard exists with respect to pedestrians or other traffic by reason of weather or trail conditions.
- e. The Operator of an ATV/ UTV may only cross a public highway if
  - i. The crossing is made at an angle of approximately 90 degrees and at a place where the crossing can be made quickly and safely;
  - ii. The operator brings the ATV/ UTV to a complete stop before entering the traveled portion of the highway;
  - iii. The operator yields the right of way to motor vehicles and pedestrians.
- f. Where ATV/ UTV travel on Town highways is permitted, such travel shall be single file. No racing shall be allowed.
- g. Large groups travelling on town roads must sub-divide to smaller groups of four ATVs/ UTVs or less and space themselves to avoid congestion and reduce noise and dust.
- h. ATVs/ UTVs must be equipped with:
  - i. At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least one hundred feet under normal atmospheric conditions during hours of darkness.
  - ii. At least one red taillight having a minimum candlepower of sufficient intensity to be plainly visible from a distance of five hundred feet to the rear under normal atmospheric conditions during hours of darkness.
- i. ATVs/ UTVs operating during hours of darkness must display a white lighted headlight and red taillight. The lights shall be in operation during the period from one-half hour after sunset and at any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other person, vehicles and other objects are not clearly discernible for a distance of five hundred feet ahead.
- j. Any ATVs/ UTVs operating on Town highways shall not have a modified exhaust.
- k. ATVs/ UTVs may not be operated on Town roads between 9 p.m. and 7 a.m. Monday through Friday and between 10 p.m. and 8 a.m. Saturdays and Sundays.
- l. ATVs/ UTVs shall not be operated on any public bike paths or hiking trails (including the D&H Rail Trail and Slate Valley Trails) or on V.A.S.T. snowmobile trails.
- m. ATVs/ UTVs shall not be operated in cemeteries.
- n. ATVs/ UTVs shall not be operated on private property without written permission of the property owner.

## **Section 6. Town Highways**

- a. All Town highways that are open to ATVs/ UTVs must be identified with appropriate signage. These signs shall be approved by the Poultney Selectboard and/or any other regulatory body with purview over wayfinding signage, as required by law.

- b. ATVs/ UTVs may be operated on the following Town roads:
1. Amerio Road
  2. Ames Hollow Road
  3. Bird Street
  4. Blair Road
  5. Blissville Road
  6. Boyce Street
  7. Brayton Road
  8. Candlestick Lane
  9. Clark Hollow Road
  10. Cones Point Road
  11. Dayton Hill Road
  12. East Main Street (east of Windywood Acres only)
  13. East Road
  14. Endless Brook Road
  15. Evergreen Road
  16. Fairway Lane
  17. Farnham Road
  18. Fenton Road
  19. Ferncliff Road
  20. Finel Hollow Road
  21. Gorhamtown Road
  22. Granville Street (south of Bridge #5 at the Poultney River only)
  23. Greene Road
  24. Griffin Road
  25. Hampshire Hollow Road
  26. Hannon Road
  27. High Road
  28. Highland Gray Road
  29. Hillside Road
  30. Jay Drive
  31. Jones Road
  32. Lakeview Hill Road
  33. Lennox Road
  34. Lewis Road
  35. Longview Acres
  36. Maslack Drive
  37. Meadow Lane
  38. Morse Hollow Road
  39. New Boston Road
  40. Old Lake Road
  41. On the Green
  42. Orchard Road

43. Partridge Lane
  44. Pond Hill Ranch Road
  45. Pond Hill Road
  46. Potter Road
  47. Poultney Ave
  48. Ridgeview Lane
  49. River Street
  50. Ross Road
  51. Route 140
  52. Ruby Road
  53. Saltis Road
  54. Sawmill Road
  55. Stone Drive
  56. Stonehenge Road
  57. Thrall Road
  58. Townhill Road
  59. Tucker Road
  60. Upper Road
  61. Vaughan Lane
  62. Walker Road
  63. Ward Road
  64. Watkins Hill Road
  65. West Lake Road
  66. White Road
  67. York Street (west of York St. Ext. only)
  68. York Street Ext.
- c. Roads not permitted for ATV/ UTV use.
- a. Vermont Route 30 in any location in the Town of Poultney (State Jurisdiction)
  - b. Vermont Route 31 in any location in the Town of Poultney (State Jurisdiction)
  - c. Any Vermont State Highway

**Section 10. 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 11. Severability.** The provisions of this ordinance are declared to be severable and if any provision hereof be adjudged invalid such judgement shall not affect the validity of any other provision. If any statute referred to in the ordinance is amended, this ordinance shall be deemed to refer to such amended statute.

**Section 12. Enforcement.** Traffic violations shall be enforced by any law enforcement officer in the Judicial Bureau. Violations of Parking Regulations, however, shall be enforced by any law enforcement officer in Vermont District Court.

**Section 13. Penalties.** All penalties shall be those established by the Vermont Judicial Bureau for traffic violations except that penalties for violating parking regulations shall be as established by the Town of Poultney Parking Violations Fee Schedule.

**Section 14. Effective Date.** This ordinance shall become effective 60 days after its adoption by the Poultney Select Board unless a petition requesting voter approval is submitted within forty-five (45) days following adoption as provide in 24 V.S.A. § 1973.

**Selectboard Members**

\_\_\_\_\_ Sheryl Porrier

\_\_\_\_\_ Alan-Glen Burnell

\_\_\_\_\_ Mark Teetor

\_\_\_\_\_ Valerie Broughton

\_\_\_\_\_ Jay Morgan

**Amendment History**

1. Agenda item at regular Selectboard meeting on \_\_\_\_\_.
2. Read and approved/not approved at \_\_\_\_\_ Selectboard meeting.
3. Posted in five public places on \_\_\_\_\_.
4. Notice of adoption placed in \_\_\_\_\_ Lakes Region Free Press and Rutland Herald.
5. Petition asking for a vote to disapprove due \_\_\_\_\_.
6. Amendments effective \_\_\_\_\_.

**Appendix**

**24 V.S.A. Chapter 59** - <https://legislature.vermont.gov/statutes/chapter/24/059>

**24 V.S.A. § 2291(1)(4)** - <https://legislature.vermont.gov/statutes/section/24/061/02291>

§ 2291. Enumeration of powers

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

(1) To set off portions of public highways of the municipality for sidewalks and bicycle paths and to regulate their installation and use.

(4) To regulate the operation and use of vehicles of every kind including the power to erect traffic signs and signals, to regulate the speed of vehicles subject to 23 V.S.A. chapter 13, subchapter 12, to implement traffic-calming devices, to regulate or exclude the parking of all vehicles, and to provide for waiver of the right of appearance and arraignment in court by persons charged with parking violations by payment of specified fines within a stated period of time.

**23 V.S.A. § 3506** - <https://legislature.vermont.gov/statutes/section/23/031/03506>

**23 V.S.A. § 3510** - <https://legislature.vermont.gov/statutes/section/23/031/03510>

§ 3510. Municipal ordinances

Municipalities shall have the power to adopt ordinances pursuant to 24 V.S.A. chapter 59 for the purpose of regulating the time, manner, and location or operation of all-terrain vehicles/ utility task vehicles within their limits provided the ordinances do not controvert the provisions of this chapter.

**23 V.S.A. § 3501** - <https://legislature.vermont.gov/statutes/chapter/23/031>

**23 V.S.A. Chapter 11** - <https://legislature.vermont.gov/statutes/chapter/23/011>

**23 V.S.A. § 3506(b)(1)(A)** - <https://legislature.vermont.gov/statutes/section/23/031/03506>

**24 V.S.A. § 1973** - <https://legislature.vermont.gov/statutes/section/24/059/01973>

**Town of Poultney Tax Map –**

<https://www.poultneyvt.gov/services/assessor>

<https://next.axisgis.com/PoultneyVT/>