

TOWN OF WATERFORD
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 Waterford hereby adopts the following civil ordinance regulating the time, manner, and location of operation of all-terrain vehicles (“ATVs”) 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 ATVs within the Town.

SECTION 3. DEFINITIONS.

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 on a public highway shall be considered a motor vehicle, as defined by 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 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. “VASA” means the Vermont ATV Sportsman’s Association

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

SECTION 4. OPERATION OF ATVs.

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

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

C. The following Town Highways shall be open to ATV traffic:

1. Pursuant to 23 V.S.A § 3506, all Town Highways that are not being maintained and plowed by the Town for use by motor vehicles during the snow season are OPEN to ATVs. (Most Class 4 Roads)

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 is reasonable and prudent under the conditions, having regard to the actual and potential hazards that are 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 highway or trail being traveled.

SECTION 6. TIME AND SEASON OF OPERATION. ATVs may only be operated within the Town between 8 AM and one half hour after sunset, and only between May 1st and November 1st.

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

SECTION 8. OPERATION ON PUBLIC PROPERTY AND CEMETERIES. ATVs may not be operated on Town property, other than the highways outlined in Section 4. Pursuant to 23 V.S.A. §3506(10), ATVs shall not be operated in any burial ground in the Town.

SECTION 9. 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 Town traffic ordinances 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: \$50.00 fine. Waiver amount: \$25.00
 - 2nd Offense: \$65.00 fine. Waiver amount: \$32.50
 - 3rd and subsequent Offense: \$75.00 fine. Waiver amount: \$37.50
- Engaging in racing:
 - 1st Offense: \$100.00 fine. Waiver amount: \$50.00
 - 2nd Offense: \$200.00 fine. Waiver amount: \$100.00
 - 3rd and subsequent Offense: \$300.00 fine. Waiver amount: \$150.00
- Operation during time and/or season when operation is prohibited:
 - 1st Offense: \$50.00 fine. Waiver amount: \$25.00
 - 2nd Offense: \$75.00 fine. Waiver amount: \$37.50
 - 3rd and subsequent Offense: \$100.00 fine. Waiver amount: \$50.00

- Operation on public property:

1st Offense: \$100.00 fine.	Waiver amount: \$50.00
2nd Offense: \$200.00 fine.	Waiver amount: \$100.00
3rd and subsequent Offense: \$300.00 fine.	Waiver amount: \$150.00

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 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)
- 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. § 3506(b)(12)
- Operation on the Waterford Town School property, including the Nature Trail
- Any commercial property within Waterford without written consent by the owner of the property

SECTION 10. 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.

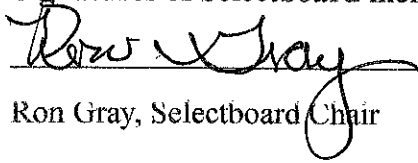
SECTION 11. OTHER LAWS. This Ordinance is in addition to all other ordinances of the Town and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 12. 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.

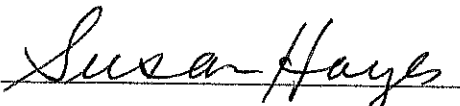
SECTION 13. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

Date of adoption by the Selectboard: February 10, 2025

Signatures of Selectboard members:

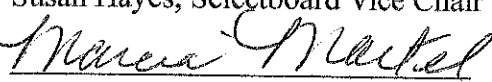


Ron Gray, Selectboard Chair




Susan Hayes, Selectboard Vice Chair

Kevin Gillander, Selectboard Member



Marcia Martel, Selectboard Member



Sukey Watson, Selectboard Member

Adoption History

1. Petition dated January 4, 2023 asking the Town to adopt the VLCT Model ATV Ordinance and to open all town roads to ATVs.
2. 2023 Town Meeting Article. Tabled until 2024 Town Meeting.
3. 2024 Town Meeting Article. Tabled until 2025 Town Meeting.
4. Agenda item at Regular Selectboard meeting held on November 12, 2024.
5. Agenda item at Regular Selectboard meeting held on December 9, 2024.
6. Resident Discussion at Special Selectboard meeting held on January 27, 2025.
7. Ordinance language decided on and approved at Selectboard meeting held on February 10, 2025 and entered in the minutes of that meeting which were approved on February 19, 2025.
8. Posted in public places on _____. (Town Website, Town Office, mentioned on Town Facebook page)
9. Notice of adoption published in the Caledonia Record newspaper on _____ with a notice of the right to petition.