

Town of West Fairlee
Ordinance on
All Terrain Vehicles

Article 1. Authority.

Under authority granted in 24 VSA Chapter 59, 24 VSA 2291(4), and 23 VSA 3510, the Selectboard of the Town of West Fairlee adopts the following civil ordinance regulating the time, manner, and location of operation of all-terrain vehicles (ATVs) within the Town.

Article 2. Purpose.

The purpose of this ordinance is to protect the health and safety of operators of ATVs and of the residents of the Town and to protect animals, property and environment of the Town.

Article 3. Definitions.

A. "All-terrain vehicle" or "ATV" means any non-highway recreational vehicle, except snowmobiles, when used for cross-country travel on trails or on any one of the following or a combination thereof: water, snow, ice, marsh, swampland and natural terrain.

An ATV on a public highway shall be considered a motor vehicle (use this section?)

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 All Terrain Sportsman's Association.

Article 4. Operation of ATVs.

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

B. All-terrain vehicles may be operated between May 1st and November 30th ONLY, on the West Fairlee portions of the following town highways:

Back St.	Beanville Rd. (to the Vershire line)
Bear Notch Rd.	Beaver Meadow Rd.
Blood Brook Rd.	Brushwood Rd.
Buck Hill Rd.	Jennings Rd.

Kidderhood Rd.	King Hill Rd.
Manley Hill Rd.	Marsh Hill Rd.
Middlebrook Rd.	Mill St.
Scrabble Hollow Rd.	Scruton Hill Rd.
Tebbetts Notch Rd.	Wild Hill Rd.

C. All terrain vehicle shall not be operated on public paths or hiking trails or on VAST snowmobile trails unless the property owner has signed a VASA Landowner Permission Form. ATVs may park in lots provided at trailheads or public lands.

D. All terrain vehicles shall not be operated on the on the Town Green or property surrounding Bean Hall and the Community Building except in the case of explicit permission from the West Fairlee Selectboard for special events.

E. All terrain vehicle shall not be operated in Brushwood Community Forest. However, this section may be superseded should the West Fairlee Selectboard enter into a Memo of Understanding with a VASA-affiliated ATV Club which stipulates location, liability insurance, and ongoing maintenance and erosion control.

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

G. ATVs may not be operated within the Town after 10 p.m..

H. DOT approved helmets are required for all youths 16 years of age and under riding on Town highways. This includes all drivers and passengers for both traditional ATVs and UTVs.

I. Consideration should be given at all times for the rights and property of others.

Article 5. Penalties.

A civil penalty of \$100 per violation may be imposed for violation of this ordinance.

Article 6. 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. and Rule 80.6 of the Vermont Rules of Civil Procedure. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have the authority to issue tickets and may be the appearing officer at any hearing.

This is a civil ordinance and shall be enforced by the Selectboard through the judicial bureau; by the Thetford Police Department or any other law enforcement agency contracting with the Town of West Fairlee; or by any law enforcement officer so authorized by the State of Vermont.

Article 7. 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.

Article 8. Effective Date.

This ordinance shall become effective 60 days after its adoption by the West Fairlee 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 VSA 1973, that statute shall govern the taking effect of this ordinance.

Signed this 22 day of July, 2019 by the West Fairlee Selectboard.

Delsie Hoyt, Chair
Beverly Jo Ash
Fred Cook
Bruce Durkee
Steve Malinoski

Adopted July 2004. Most recent amendment July 2019