

Town of Orwell, Vermont

Ordinance Regulating All-Terrain Vehicles (ATVs)

**Section 1. Authority.**

Under authority granted in 19 V.S.A. Chapter 3, §§ 303, 304; 24 V.S.A. §§ 2291(1), (4); and 23 V.S.A. § 3510, and such other general enactments as may be material thereto, the Select Board of the Town of Orwell ("Town") hereby adopts the following civil ordinance regulating the time, manner, and location or operation of all-terrain vehicles within the Town.

**Section 2. Purpose and Background**

- a. The purpose of this ordinance is to protect the health, safety and welfare of the residents of the Town, and to protect the animals, property, and environment of the Town while establishing rules and regulations to allow for the safe operation of all-terrain vehicles (ATVs) on Town roads and trails.
- b. The Ordinance recognizes the recommendation of the All-Terrain Vehicles' Safety Institute (a division of the Specialty Vehicle Institute of America) that states, in part, "ATVs are intended for off road use only. Never operate an ATV on public roads and always avoid paved surfaces. ATVs are not designed for use on public roads and other motorists may not see you."
- c. This Ordinance is intended to ensure the highest level of safety for ATV operators, Town residents, visitors, and the general public.

**Section 3. Definitions.**

- a. "All-terrain vehicles," "or ATVs," means any non-highway recreational vehicle, except snowmobiles, having no less than two low pressure tires (10 pounds per square inch, or less), not wider than 72 inches with two wheels having permanent, fulltime power to both wheels, and having 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, snow, ice, marsh, swampland, and natural terrain. An ATV on a public highway shall be considered a "motor vehicle," as defined by 23 V.S.A. § 4(21) for the purposes of those offenses listed in 23 V.S.A. § 3501(1). An ATV does not include an electric personal assistive mobility device, a motor-assisted bicycle, or an electric bicycle.
- b. "Operate," "Operating," or "Operation" 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.
- c. "Enforcement Officer" shall mean any law enforcement officer, Town Constable, State Police Officer, Addison County Sheriff or Deputies, or any individual appointed by the Selectboard to be an Enforcement Officer.

- d. Definitions of other terms found in 23 V.S.A. § 3501 are incorporated herein by reference with the same force and effect as if more fully set forth herein.

#### Section 4. Operation of ATVs

- a. All ATVs operating on town highways must be registered, display a license plate, and be operated with the equipment required by and in compliance with 23 V.S.A. Chapter 31 at all times, including but not limited to the need to obtain written consent of the owner when operating on private property.
- b. ATV operation on Town legal trails is prohibited.
- c. All ATVs operating on town highways must have proof of liability insurance in the amounts specified in 23 V.S.A. § 3506(13).
- d. ATVs shall not be operated on public bike paths or hiking trails, or on V.A.S.T. snowmobile trails unless in accordance with 23 V.S.A. § 3506(3)(C).
- e. ATV operators on town highways and legal trails must be individuals 16 years of age or older with a valid driver's license, who must be under the direct supervision of an individual 18 years of age or older with a valid driver's license.
- f. All posted speed limits and traffic control devices on town highways will apply to the operation of ATVs. Notwithstanding the above, no person shall operate an ATV (i) on a public right of way, including legal trails, at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potentially existing hazards; and (ii) over posted speed limits, but not faster than 40 mph on any Orwell Road. In every event, speed shall be controlled as necessary to avoid collision with any person, vehicle, bicycle, ATV, animals, or any other object on or adjacent to a town highway or public right-of-way.
- g. The operator of every ATV shall drive at an appropriate speed when approaching a crossing or 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 events, weather or conditions.
- h. ATVs shall be operated in a safe manner and shall obey all traffic regulations that apply to other motor vehicles when operation is permitted on town highways. ATV operators shall come to a full stop at all stop signs and shall refrain from spinning their tires when accelerating away from the stop signs.
- i. Agricultural ATV's need to follow the same rules set forth in this ordinance when operated on town highways and public rights-of-way.
- j. ATV's operating during hours of darkness must display a white lighted headlight and red taillight. The lights shall be in operation from one-half hour before sunset to one-half hour before sunrise and at any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other persons, vehicles, and other objects are not clearly discernible for a distance of five hundred (500) feet ahead.
- k. Any town highway that is open to ATVs under this Ordinance must be posted with signs stating that ATVs are allowed.

- I. Signs shall be posted at every road transitioning from another town into the Town if such road is open to ATV use and on every town highway that is open to ATVs under this Ordinance.
- m. Where ATV travel on town highways is permitted, such travel shall be single file. No side-by-side riding or racing shall be allowed.
- n. ATVs may be operated on town highways except for the ones listed below.
  - 1. VT Route 73 from VT Route 22A to the Sudbury Town Line. This is a State highway.
  - 2. VT Route 22A North and South. This is a State highway.
  - 3. Sewer Plant Road (No Town Highway #)
  - 4. Pearl Road (Town Highway #20)
- o. ATVs are not permitted in cemeteries.
- p. No firearms shall be discharged or operated from or on an ATV.
- q. ATVs shall not be operated within the Town of Orwell between the hours of 10:00PM and 7:00 AM.

#### Section 5. Enforcement and Penalties.

A violation of this Ordinance will be a civil matter which may be enforced in the Judicial Bureau in accordance with the provisions of 24 V.S.A. §§ 1974a,1977 et seq. . For the purposes of enforcement in the Judicial Bureau, any Enforcement Officer has the authority to issue complaints and may be the prosecuting officer at any hearing.

An Enforcement Officer is authorized to recover civil penalties for the violations of this Ordinance in the amounts set forth below:

i	First offense	\$200.00, waiver fee \$100.00
ii	Second offense	\$400.00, waiver fee \$200.00
iii	Third and each subsequent offense	\$800.00, waiver fee \$400.00

Operators of ATVs shall be liable, in addition to the penalties above, for damages to Town Highways or other Town property caused by the operation of an ATV in violation of this Ordinance.

#### Section 7. Suspension by Select Board.

If the Orwell Select Board determines that the operation of ATVs on any town highway or public right-of-way is creating a public nuisance or is otherwise interfering with the safety or welfare of the general public, the Select Board may suspend the public's rights to operate ATVs on any or all town highways and direct the removal of signage permitting ATVs. Any suspension shall be in effect for no longer than six months, unless continued by further action of the Select Board or by amendment of this Ordinance. Any suspension shall continue beyond six months if an Ordinance amendment has been approved by the Select Board and is pending that prohibiting ATV use on such town highway or public right-of-way until such amendment is effective or rejected by the voters of the Town in accordance with 24 V.S.A. § 1973(e).

### **Section 8. Other Laws.**

This Ordinance is in addition to all other ordinances of the Town of Orwell 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 9. 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 the Ordinance.

### **Section 10. Effective Date**

This Ordinance shall take effect 60 days after its approval by the Orwell Select Board, except that if a petition is filed under 24 V.S.A. § 1973, that statute shall govern the effective date of this Ordinance.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

#### **Orwell Select Board Members:**

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Andrea Treadway, Chair

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Les Wood, Vice Chair

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Rob Barnes

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Mike Christian

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Joe Pouliot