

**TOWN OF FAIRLEE, VERMONT
ALL-TERRAIN VEHICLES ORDINANCE**

APPROVED – 9/16/24

1. *Purpose and Authority*

The purpose of this ordinance is to protect the health and safety of the operators of ATVs and of residents of the Town, and to protect the animals, property and environment of the Town. Under authority granted in 24 VSA Chapter 59 and 23 VSA 3510, the Selectboard of the Town of Fairlee hereby adopts the following ordinance regulating the time, manner, and location of operation of all-terrain vehicles (hereinafter called "ATVs") on Town Highways and Town property.

2. *Definitions (as in 23 VSA 3501)*

For purposes of this Ordinance, the following words and phrases shall apply:

ATV means any non-highway, wheeled vehicle 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 highway shall be considered a motor vehicle. An ATV shall not include an electric personal assistive mobility device.

Operate means any attempt to operate and shall be construed to cover all matters and things connected with the presence and use of ATVs whether they be in motion or at rest.

3. *Operation of ATVs*

(A) ATVs must be registered, equipped, and operated according to the requirements of Title 23 Chapter 31.

(B) A valid Vermont registration plate must be attached to the ATV.

(C) ATVs shall not be operated on bike paths, hiking trails or on VAST snowmobile trails.

(D) Speed limits shall be a maximum of 25 mph.

(E) ATV operators shall yield the right of way to all other motor vehicles, pedestrians, and other users of the Town Highway.

(F) ATVs must be operated as far to the right of the Town Highway as possible.

(G) ATVs must operate in a single file at all times.

(H) All other traffic control regulations apply to the operation of ATVs on Town Highways.

(I) ATVs may not be operated on Town Highways or on Town property between

midnight and a half hour before dawn any day of the week.

(J) ATVs may not be operated on any Town Highways from March 15 to May 1 of each year.

(K) ATVs shall not be operated on any Town Highway other than the Town Highways specified herein.

(L) ATVs shall not be operated on any of the following Town properties: Town Beach, Town Common, Town Cemeteries, Railroad Station, Reservoir, Pump House, Fire Station, Transfer Station, and Town Hall.

(M) ATV operation in the Town Forest may be limited to only Fairlee residents and taxpayers according to procedures set forth by the Selectboard.

(N) DOT approved helmets are required for all youths 16 years of age and under riding on Town highways. This includes all drivers and passengers.

4. *Town Highways Open to ATVs*

The only Town Highways open to ATVs are Millpond Road (the entire length from the Bradford Town Line to the West Fairlee Town Line), and that section of Brushwood Road from Millpond Road to Gaywalden Road.

5. *Signs*

(A) All Town Highways that are open to ATVs must be so posted. These signs shall comply with the Manual on Uniform Traffic Control Devices in form and placement. The Town shall be responsible for the signs to be placed on Town Highways.

(B) All trails that are open to ATVs must be so posted. These signs shall be approved by the Fairlee Selectboard. Speed limit signs and stop signs shall be posted at any location where a trail enters or crosses the Town Highway. Advance notice signs shall be erected approximately 250 feet prior to any location where the trails enter or cross the Town Highway. The expense of these signs and erecting, posting, and maintaining of the signs on the trails shall be the responsibility of the Fairlee Selectboard.

(C) The Fairlee Selectboard shall also be responsible for ATV signs to be posted on the Town Highways. These signs shall be approved by the Fairlee Selectboard.

6. *Enforcement and Penalties*

(A) Enforcement of the statutes and this ordinance lies with State, County and Local law enforcement agencies.

(B) A municipal fine, as stated in the Town of Fairlee Fee Schedule, may be imposed for any violation of this ordinance in addition to any enforcement action issued by law enforcement.

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.

8. Adoption

This ordinance shall become effective 60 days after its adoption by the Fairlee Selectboard. If a petition is filed under 24 VSA 1973, that statute shall govern the taking effect of this ordinance.

_____ Peter Berger, Selectboard Chair	_____ Date
_____ Lance Mills, Selectboard Vice-Chair	_____ Date
_____ Miranda Clemson, Selectboard	_____ Date

Adoption History

Agenda item at regular selectboard meeting held on 6/10/2024

Agenda item at regular selectboard meeting held on 6/17/2024 (Tabled)

Agenda item at regular selectboard meeting held on 6/24/2024

Agenda item at regular selectboard meeting held on 7/1/2024

Agenda item at regular selectboard meeting and discussed on 8/12/2024

Read and approved at selectboard meeting held on 9/16/2024

Entered in the minutes of that meeting which were approved on 00/00/2024

Posted in public places on 9/17/2024

Notice of adoption published in the newspaper on 0/00/2024 with a notice of the right to petition.