

# Town of Concord

Concord, VT 05824

## REGULATING ALL TERRAIN VEHICLES



Effective on October 1, 2013.

**SECTION I. AUTHORITY.** Under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. § 2291(4), and 23 V.S.A. § 3510, the Selectboard of the Town of Concord hereby adopts the following civil ordinance regulating the time, manner, and location of operation of all-terrain vehicles within the town.

**SECTION II. PURPOSE.** The purpose of this ordinance is to protect the health and safety of operators of all-terrain vehicles and of the residents of the Town and to protect the animals, property and environment of the Town.

**SECTION III. DEFINITIONS.**

A. "All-terrain vehicle," or "ATV," 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 60 inches with two-wheel ATVs having permanent, full-time power to both wheels, and having a dry weight of less than 1,700 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 in 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 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 be in motion or at rest.

**SECTION IV. OPERATION OF ATVs.**

A. All ATVs must be registered and operated according to the requirements of 23 V.S.A. Chapter 31. (Exemption for Farm use only according to the requirements of 23 V.S.A. Chapter 7, Section 370.)

B. All ATV's operating on Concord town highways class 2, 3, 4 and trails or under this ordinance are subject to and must abide by all state of Vermont ATV and motor vehicle laws in accordance to section 1 above.

C. All speed limits and traffic control devices apply to the operation of ATVs on Town Highways.

D. All ATV's operating on town highways shall not spin, brake, accelerate or drive an ATV in such a manner as to alter the state of surface of the road by disrupting dirt or gravel and creating ruts or divots on the roadway.

E. ATVs shall not be operated on the Town's recreation field, Veteran's Memorial Park, Folsom common, in any burial ground, on the school playground or in the parking lot of any church, Medical facility or nursing home in the Town. (Special one-time exemption/permit may be approved by the Selectboard in advance)

F. All operators must ride single file and obey posted speed limits.

G. Helmets must be worn by all operators and riders 18 years old and under.

H. Violators of section IV will be subject to penalties in section V.

**SECTION V. PENALTIES.**

- (1) First offense ..... Written Warning
- (2) Second offense..... \$50.00
- (3) Third and each subsequent offense..... \$100.00

**SECTION VI. ENFORCEMENT.** This is a civil ordinance and shall be enforced by a Certified Law Enforcement Officer, through the Judicial Bureau.

**SECTION VII. 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 VIII. EFFECTIVE DATE.** This ordinance shall become effective 60 days after its adoption by the Concord 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 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 9 day of July, 2013.

**SIGNATURES of SELECTBOARD:**

Date; October 1 2013

\_\_\_\_\_  
George Morehouse, Chairman

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Harold Lunnie

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Robert Paquette, Vice Chair

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Terri Williams

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Chris Fournier

**SIGNATURES**

**Adoption History**

1. Agenda item at regular Selectboard meetings held on May 7<sup>th</sup> 2013, June 4<sup>th</sup> 2013, July 9<sup>th</sup> 2013.
2. Read and approved at regular Selectboard meetings on June 4<sup>th</sup> 2013, July 9<sup>th</sup> 2013 and entered in the minutes of that meeting which were approved on July 9<sup>th</sup> 2013.
3. Posted in public places on July 10, 2013.
4. Notice of adoption published in the Caledonia Record newspaper on May 8<sup>th</sup> 2013 with a notice of the right to petition.
5. Other actions [petitions, etc.]