

Chapter 196

VEHICLES, ALL-TERRAIN

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[HISTORY: Adopted by the Board of Selectmen 6-1-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 198.

§ 196-1. Definitions.

As used in this chapter, the following terms shall have the following meanings:

ALL-TERRAIN VEHICLE or ATV — Any non-highway recreational vehicle, except snowmobiles, when used for cross-country travel on trails or when used on any one (1) of the following or a combination thereof: land, water, snow, ice, marsh, swampland and natural terrain.

NON-HIGHWAY RECREATIONAL VEHICLE — Any vehicle propelled or drawn by power other than muscular power, when used off of public highways for recreational purposes, including but not limited to motorcycles, mopeds, dirt bikes and any vehicle or device designed or intended for or capable of operation off of public highways.

OPERATE, OPERATING and OPERATION — As applied to all-terrain vehicles, the operation thereof on any lands within the town other than on public highways. "Operate" includes an 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 at motion or at rest.

PUBLIC HIGHWAY — A state highway or a town highway.

PERSON — Includes any individual, corporation, partnership, association or other incorporated or unincorporated entity.

PUBLIC NUISANCE — Any operating of an all-terrain vehicle in such a manner as to create, alone or in combination with other all-terrain vehicles and/or other normal background sound, a sound level in excess of eighty-five (85) dBA when measured at any point which is fifty (50) feet from the exterior wall of a residence; or a sound level in excess of eighty-five (85) dBA when measured at any point on or within ten (10) feet of a real property line, where the distance from such point of measurement to the exterior wall of a residence is less than fifty (50) feet.

SOUND LEVEL — The sound pressure level measured in decibels with a sound level meter set for A-weighting. "Sound level" is expressed in dBA.

SOUND LEVEL METER — An instrument for the measurement of sound levels, which conforms to the

American National Standard Institute (ANSI) standards for a Type 2 sound meter.

RESIDENCE — Any single-family dwelling, duplex, multifamily dwelling (including but not limited to apartment buildings and buildings containing condominium units) or other building containing quarters where persons reside, now existing and hereafter constructed.

§ 196-2. Operation of ATV's.

No person shall operate all-terrain vehicle or cause, suffer, allow or permit any person to operate one (1) or more all-terrain vehicles in such a manner as to create, alone or in combination with other all-terrain vehicles and/or other normal background sound, a sound level in excess of eighty-five (85) dBA when measured at any point which is fifty (50) feet from the exterior wall of a residence; or a sound level in excess of eighty-five (85) dBA when measured at any point on or within ten (10) feet of a real property line, where the distance from such point of measurement to the exterior wall of a residence is less than fifty (50) feet.

§ 196-3. Prohibition against constituting a public nuisance.

No person shall operate an all-terrain vehicle, or cause, suffer, allow or permit any person to operate one or more all-terrain vehicles, in such a manner as to constitute a public nuisance.

§ 196-4. Stopping for law enforcement officers.

A person who is or has been operating an all-terrain vehicle shall, when signalled to do so by a law enforcement officer, bring his or her all-terrain vehicle to a full stop and, upon

request, furnish his or her name, address, driver's license and any registration applicable to such vehicle.

§ 196-5. Exemptions.

This chapter shall not apply to operation of ATV's as follows:

- A. During town sponsored or conducted competitions or events.
- B. For nonrecreational purposes, including but not limited to logging, farming and other commercial purposes.
- C. During rescue operations.
- D. For official use by federal, state or municipal officials or employees in the performance of official duties.
- E. On public highways.

§ 196-6. Severability.

The invalidity of any section of this chapter or of any portion thereof shall not invalidate any other section or portion thereof. If any portion of any section is deemed invalid, the finding of invalidity shall be limited to the smallest possible portion of the section in question, and as much as possible of the section in question shall remain in full force and effect. Where a limitation, restriction, requirement or standard is deemed invalid, the next most restrictive limitation, restriction, requirement or standard that may be deemed valid shall be deemed implied and shall be applied in lieu of the provision deemed invalid. In the event that any provision of this chapter is less strict than any provision of state law or any other ordinance, the stricter provision shall control.

§ 196-7. Violations and penalties.

A person who violates this chapter shall be fined not more than five hundred dollars (\$500.).

§ 196-8. Enforcement.

The town may enforce this chapter by bringing an action for injunctive relief to abate or enjoin any violation. This remedy shall be in addition to and not in lieu of any fines provided for violation in § 196-7 above.

§ 196-9. When effective.

This chapter shall take effect sixty (60) days after its adoption, in accordance with 24 V.S.A. § 1972.