

# TOWN OF COVENTRY ATV ORDINANCE

## TO OPERATORS OF ALL TERRAIN VEHICLES IN THE TOWN OF COVENTRY

**SECTION 1. AUTHORITY.** Under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. § 2291(2),(4), and 23 V.S.A. § 3510, the Select Board of the Town of Coventry hereby adopts the following civil ordinance regulating the time, manner, and location of operation of all-terrain vehicles within the town.

**SECTION 2. PURPOSE.** The purpose of this Ordinance is to promote and protect the public health, safety and welfare of the Town, and to preserve residents' rights to quiet enjoyment of homes and properties by regulating the time, manner, and location of operation of all-terrain vehicles ("ATVs") within the Town.

### **SECTION 3. 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 72 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 shall not include an electric personal assistive mobility device.
- B. "Enforcement Officer" means any law enforcement officer certified by the Vermont criminal justice training council.

- C. "Operate" 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.
- D. Other definitions found in 23 V.S.A. § 3501 are incorporated herein by reference.

**SECTION 4. TOWN HIGHWAYS OPENED.** Pursuant to 23 V.S.A. § 350 the use of ATV's is authorized on all posted town roads located in the Town of Coventry between the hours of 6:00 a.m. and 10:00 p.m. except that by order of the State of Vermont, ATVs may not be operated on any State Highway in the Town of Coventry. Signs shall be posted to notify operators of ATV's of permitted hours of operation and to notify motorists that ATV's may be traveling these roads.

**SECTION 5. SAFETY AND COMPLIANCE RULES.**

- A. ATV's operated on town roads pursuant to this Ordinance shall have the following properly working equipment: one or more headlights, a red rear light, number plate bracket, brakes in good mechanical condition, a United States Forest Service qualified spark arrester and an effective muffler system. Lights shall be on during vehicle operation from 30 minutes after sunset to 30 minutes before sunrise. Muffler systems shall comply with the noise level standards set forth in 23 V.S.A. §3505(b), and regulations adopted pursuant thereto.
- B. ATV's operated on town roads pursuant to this Ordinance shall be currently registered by the State of Vermont in accordance with 23 V.S.A. §3502. A registration does not constitute a license to operate an ATV on public or private lands.
- C. No ATV shall be operated on any town highway unless a valid liability insurance policy with minimum limits of \$25,000 personal injury per person; \$50,000 total personal injury; and \$10,000 property damage, is in place.

- D. ATV's operated for agricultural purposes may be operated not closer than three (3) feet from the traveled portion of any highway for the purpose of traveling within the confines of a farm.
- E. Except as otherwise provided in this Ordinance, a person may only operate or permit an all-terrain vehicle owned by him or under his control to be operated in accordance with 23 V.S.A. Chapter 31 and more specifically, in accordance with 23 V.S.A. §3506, and all regulations adopted pursuant thereto.
- F. ATV's traveling on town roads pursuant to this Ordinance shall travel on the right, in single file, with headlights on during the hours set forth in paragraph 4 above, at a rate of speed not to exceed 35 MPH.

**SECTION 6. PENALTIES.** A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Chapter 59. A person who is found to be in violation of this civil ordinance shall be subject to a civil penalty up to \$500 per day for each day that such violation continues: Each day the violation continues shall constitute a separate violation. The Constable of the Town and/or any person(s) duly appointed by the Select Board shall have the authority to act as Issuing Municipal Officials(s) to issue and pursue before the Judicial Bureau a municipal complaint.

Operators of ATV's shall be liable, in addition to the fees set forth above, for all repair costs incurred for damage to town roads caused by the operation of their ATV.

The Town of Coventry accepts no liability for the operation of ATV's on Coventry town roads as set forth in this Ordinance.

**SECTION 7. 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. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and may be the appearing officer at any hearing..

**SECTION 8. OTHER LAWS.** This Ordinance is in addition to all other ordinances of the Town 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 this Ordinance.

**SECTION 10. EFFECTIVE DATE.** This ordinance shall become effective 60 days after its adoption by the Select Board. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

In accordance with 24 V.S.A. Chapter 59, this Ordinance is adopted by the Town of Coventry Select Board on this 20th day of April, 2020, to become effective sixty (60) days from the adoption thereof. Citizens have the right to petition for a vote on the Ordinance within forty-four (44) days from the adoption thereof in accordance with 24 V.S.A. §1973.



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Scott Briere / Chair



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David Gallup



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Phil Marquette