TOWN OF POWNAL
ORDINANCE REGULATING ALL TERRAIN VEHICLES (ATVs)

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 and 3506, the Selectboard of the Town of Pownal 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 64 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. ATVs used in agricultural, forestry, and commercial use are exempt.

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. “VASA” means the Vermont All Terrain Vehicle Sportsman’s Association.

E. 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. § 3506, all Town highways that are not being maintained and plowed by the Town for use by motor vehicles during the snow season are open to ATV traffic.

In addition, all posted town class two highways, all posted class three town highways, all posted town class four town highways, and all town trails, as these terms are defined by title 19 V.S.A. § 302. Exceptions to roads open to ATV traffic are listed below. ATVs are allowed on all posted town roads between 7:00 am and 9:00 pm, except that by order of the State of Vermont, ATVs may not be operated on any Federal or State Highway in the Town of Pownal. 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.

Pursuant to 23 V.S.A. § 3506, all Town highways that are not being maintained and plowed by the Town for use by motor vehicles during the snow season are open to ATV traffic. In addition, ATV use on State and Federal Highways is prohibited, except that crossing a state highway must be at an approved location, and at or close to a 90-degree angle to the state highways.

**Note that ATV travel is NOT permitted on Federal or State highways (US Route 7 and Route 346). Riding along or on the Railroad tracks is strictly prohibited and extremely dangerous.**

The following town class two town highways are closed to ATV traffic per this ordinance with the following exception; Residents of these roads, and residents of tributary roads leading to these roads can use the class two road to get to the nearest road open to ATV traffic by the shortest path possible. ATV traffic by non-residents of these roads and the tributaries to these roads is prohibited.

The following Class 3, and Class 4 Town highways are closed to ATV Traffic (with limited exceptions for residents):

1. North Pownal Road
2. Barber Pond Road
3. South Stream Road
4. Jackson Cross Road

The following Class 3 and Class 4 Town highways are closed to all ATV traffic (no exceptions):

1. Waste Water Treatment Facility
2. Pit Road
3. Transfer Station Rd.

The following Class 3 and Class 4 Town highways are closed to ATV traffic with the exception of the following: 1. residents of these roads with a valid town decal, 2. non-residents with a valid town decal and written permission to ride on land owned by a resident of these roads:
1. Quarry Hill Road
2. Cedar Hill Road
3. Palmer Drive
4. Hemlock Hill Road
5. Roizin Road
6. Burrington Road
7. Mann Hill Road
8. Lincoln Street
9. Crow Hill Road
10. Huse Lane
11. Cash Place
12. Lovett Cemetery Road
13. Skiparee Road (from the junction of Folwer’s Way north to the end of Skiparee)
14. Orchard Street
15. Liberty Street
16. Purcell Dudway Road
17. Evergreen Park
18. West Meadow Ct
19. East Ct
20. School House Road

SECTION 5. STATEMENT OF INTENT, SPEED LIMITS, ADDITIONAL RULES AND CONDITIONS AND TRAFFIC CONTROL DEVICES.
ATV operators shall comply with all state and federal law regulating ATV operation, in addition to the following requirements regarding the operation of ATVs in the Town of Pownal:

All posted speed limits and traffic control devices on Town highways shall apply to the operation of ATVs with a maximum speed allowed of 25 mph. Notwithstanding the above, no person shall drive an ATV on a public right of way at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards there existing. In every event, speed shall be controlled as necessary to avoid collision with any person, vehicle, bicycle, ATV, or other object on or adjacent to the road.

STATEMENT OF INTENT:
The intent of this ordinance is to allow legal ATV riders to use Town roads get to and from riding locations, and to and from gas and food. It is NOT the intent of this ordinance to allow the use of Pownal Town roads for ATV recreation nor to use town roads as a recreation area.

SECTION 6. OPERATION ON PUBLIC PROPERTY AND CEMETERIES. ATVs shall not be operated on the following public property: public bike paths, public hiking trails, sport fields, or public
Pursuant to 23 V.S.A. § 3506(10), ATVs shall not be operated in any burial ground in the Town of Pownal.

SECTION 7. VIOLATIONS, FEES AND PENALTIES.
It is a violation of this ordinance to Operate, or to permit an ATV owned by the person or under his or her control to be Operated, on any Town Highway:

1. If the operator is under 16 years of age (ordinance violation under (23 V.S.A. § 3510).
2. While the operator or any passenger is not wearing a helmet (ordinance violation under 23 V.S.A. § 3510).
3. With young passengers aboard who are not properly restrained (23 V.S.A. § 1258)
4. Without having the headlight turned on at all times (ordinance violation under 23 V.S.A. § 3510).
5. On any town road if the operator or owner does not properly display a valid Town Decal on the ATV (ordinance violation under 23 V.S.A. § 3510).
6. While the operator is under the influence of drugs or intoxicating beverages (ordinance violation under 23 V.S.A. § 3506 (b)(6)).
7. In any manner intended or reasonably to be expected to harass, drive, or pursue any wildlife (23 V.S.A. § 3506 (b)(6)).
8. In a careless or negligent manner or a manner that endangers persons or property (ordinance violation under 23 V.S.A. § 3506(b)(9)).
9. ATV operators must have a valid driver’s license in order to operate an ATV on Town Highways.
10. When approaching horseback riders, ATV operators shall pull over to the shoulder and shut off the vehicle, and silence the motor until the equestrians pass or indicate by hand signal that the ATV operator may proceed forward. Horseback riders shall have the right-of-way.
11. The use of ATVs on private property is prohibited without landowner permission.
12. While not registered in accordance with the laws of this state or the state or province in which the ATV owner resides (23 V.S.A. § 3502(a) and (e)).
13. While not insured in accordance with the laws of this state if the ATV is required to be registered in this state (23 V.S.A. §§ 800-810).
14. Unless equipped with at least one headlight and a red rear light in working order, brakes in good mechanical condition and any windshield free from sharp or jagged edges (23 V.S.A. § 3505(a) and 23 V.S.A. § 3506(d)).
15. While not equipped with an efficient muffler or while equipped with an exhaust system with a cut out, bypass, or similar device or with the spark arrester removed or modified,
or if the maximum machine operating noise is more than 82 decibels on the A scale at 
50 feet, in a normal operating environment (23 V.S.A. § 3505(b)).

16. By any person under 18 years of age who lacks or is unable to display, upon demand of 
any law enforcement officer, a safety education certificate issued by this state or under 
the authority of another state or province of Canada, unless such person is in the 
process of taking a safety education training course under the direct supervision of a 
certified ATV safety instructor (23 V.S.A. § 3506(e)).

17. On any town highway not opened to ATVs by the Selectboard, except to cross at a 90 
degree angle if no obstruction prevents a quick and safe crossing; and provided that the 
Operator comes to a complete stop before entering the highway and yields the right-of-
way to motor vehicles and pedestrians (23 V.S.A. § 3506(b)(1) and (b)(2)). Route 346 
and US Route 7 are off limits to ATVs. Riding on or beside the railroad tracks is also 
prohibited and extremely dangerous.

18. On any state or Pownal public land not designated by the Selectboard or this state for 
use by ATVs (23 V.S.A. § 3506(b)(12)).

19. After causing or becoming involved in any accident resulting in injury to any person or 
property other than the operator’s ATV without immediately stopping to render 
reasonably necessary assistance and providing the operator’s name, residence, 
registration number, and the name of the owner of the ATV to the injured party or 
person whose property is damaged (23 V.S.A. § 3511).

20. Without bringing the ATV to a stop when signaled to do so by a law enforcement officer 
wearing identifying insignia, or operating a law enforcement vehicle sounding a siren or 
displaying a flashing blue or blue and white signal lamp, thereby attempting to elude the 
law enforcement officer (23 V.S.A. § 3512).

21. While traveling at a speed exceeding 25 mph or such lower speed as may be posted. 
ATV riders are also asked to slow to 10 mph in front of residences (ordinance violation 
under 23 V.S.A. § 3510).

22. While traveling in any manner other than single file (ordinance violation under 23 V.S.A. 
§ 3510).

23. While failing to observe any other traffic rules and control devices that apply to the 
Town Highways (ordinance violation under 23 V.S.A. § 3510).

A. The Enforcement Officer is authorized to recover civil penalties for operation of an ATV in 
extcess of the posted speed limit as specified in the Town of Pownal Traffic Ordinance and in 
the State of Vermont’s Judicial Bureau Penalty Schedule.

B. Law enforcement will issue a ticket for up to $250.00 under 23 V.S.A. section 3510.
C. The Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance as set out below:

First Offense...$50; waiver fee $35  
Second Offense... $100; waiver fee $70  
Third and each subsequent offense...$250; waiver fee $225

The Enforcement Officer is authorized to recover a waiver fee, in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver fee.

D. The Town may ban an Operator from use of any Town highway after the first or any subsequent offense.

SECTION 8. 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 9. 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 10. 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 11. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

Date of adoption by the Selectboard: July 9, 2020

Signatures of Selectboard members:

Angie Rawling, Chair               LS
Mike Gardner, Vice Chair          LS
Harry Percey, Jr.                 LS
Bob Jarvis                       LS
Ronald Bisson                    LS

Dated this 9th day of July, 2020
APPENDIX I: Town of Pownal – ATV Ordinance

Additional Provisions and Guidance:

A. Roads are not open for back and forth riding. Roads are open to get to and from off-road riding areas, and to and from gas and food. ATVs are allowed on designated town roads explicitly to allow riders to get to and from riding locations. Town roads are NOT to be used as trails. This means both back and forth riding, and riding loops on town roads without going to a riding location is prohibited.

B. Be respectful to all town residents and their land. Treat pedestrians and neighborhood residents with respect at all times. Always remain courteous.

C. The use of ATVs on private property is prohibited without landowner permission.

D. No littering. What you go in with, you leave with it.

E. Residents using on their own property are not required by the ATV ordinance to be registered, insured or to have a town sticker. Agricultural use is also exempt.

F. All ATV travel upon town highways shall be with traffic, single file, using the right side of the travel lane. No riding on the shoulders is permitted, unless broken down. No Passing shall be permitted within the traveled lanes. Cutting corners is prohibited. Reckless operation is prohibited, including but not limited to wheelies, zig zagging, spinning out on gravel.

G. When approaching horseback riders, ATV operators shall pull over to the shoulder and shut off the vehicle, and silence the motor until the equestrians pass or indicate by hand signal that the ATV operator may proceed forward. Horseback riders shall have the right-of-way.

H. ATVs may not be operated on Town Highways and Trails during spring break up and or when wet conditions will result in damage to the roads and trails. The Select Board shall publish opening and closing dates, per the town highway department.

I. ATVs shall not be operated on Pownal town highways and town trails between the hours of 9:00 pm and 7:00 am.

J. ATVs shall not be operated on Pownal town highways and town trails between December 1 and May 15th, with additional restrictions during spring break up.

K. Hand signals are required to indicate all turns and stops, in the absence of street legal turn signal lights.

L. The Select Board has the right to add or close roads at any time in the interest of public safety.

M. All traffic signs will be maintained by the Town of Pownal. (ie. speed, normal road signs)

N. In reference to the town decal, it must be clearly displayed on the vehicle while operating on town roads. This includes making sure it is visible and clear of mud, dirt, etc...