

TOWN OF MORGAN
ORDINANCE REGULATING
ALL TERRAIN VEHICLE USE ON TOWN HIGHWAYS

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

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, and "Utility-Terrain Vehicle" or "ATV/UTV," (From here forward "ATV" will mean "ATV/UTV") 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 on a public highway shall be considered a motor vehicle, as defined in Title 23, § 4 (21) of the Vermont Statutes Annotated, only for the purposes of those offenses listed in Title 23, §§ 2502(a)(1) (H), (N), (R), (U), (Y), (FF), (GG), (ii), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D); (4)(A) and (B) and (5) and as provided in section 1201 of Title 23. For purposes of this section, 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 ATVs whether they are in motion or at rest.
- C. "VASA" means the Vermont ATV Sportsman's Association.

SECTION IV. OPERATION OF ATV/UTVs.

- A. Any ATV being operated on a Town Highway is required to be registered and operated in accordance with the requirements of 23 V.S.A. Chapter 31 and as stated herein.

- B. A valid VASA Trail Access Decal (TAD) must be attached to any ATV being operated on a Town Highway.
- C. All posted speed limits and traffic control devices shall apply to any ATV being operated on any Town highway except that no ATV shall be operated at a speed greater than 25 miles per hour on any Town highway.
- D. Any ATV being operated on a Town Highway must have one or more working headlights and a working red rear light, all of which must be on whenever the ATV is being operated between thirty (30) minutes after sunset and thirty (30) minutes before sunrise, and must have a valid registration, brakes in good mechanical condition, a USFS qualified spark arrestor, and a muffler system that produces a noise level not to exceed 82 decibels at 50 feet.
- E. Any ATV being operated on a Town highway shall be operated in compliance with all appropriate motor vehicle laws. No passing of another ATV or motor vehicle in motion shall be allowed.
- F. No ATV shall be operated on any sidewalk, public bike path, hiking trail, or on any V.A.S.T. snowmobile trail unless the property owner has signed a VASA Landowner Permission form.
- G. No ATV shall be operated on any Town highway between the hours of 9 P.M. and 8 A.M., and no ATV shall be operated on any Town highway between October 2 and May 14 of any year.

SECTION V. DESIGNATION OF OPEN ROADS.

- A. An ATV may be operated in compliance with the provisions of this Ordinance and the laws of the State of Vermont on all Class 2, 3, and 4 Town Highways in the Town of Morgan.
- B. The Selectboard shall review ATV usage annually and reserves the right to amend or rescind the Open Road designation. If no such amending or rescinding is determined necessary by the Selectboard, then the provisions of this Ordinance shall continue in effect for said Town highways.
- C. Private roads and trails are not under the Town's jurisdiction, and no ATV may be operated on such private roads and trails unless appropriate permission has been obtained from the Landowner prior to such use.

SECTION VI. ENFORCEMENT AND PENALTIES.

- A. This is a civil ordinance and shall be enforced by any certified Law Enforcement officer through the Judicial Bureau.
- B. Any certified Law Enforcement Officer is authorized to recover civil penalties for this Ordinance as set below.

C. An operators of any ATV shall, in addition to the penalties herein set forth, also be liable for any damage to Town highways or other Town property caused by the operation of an ATV in violation of this Ordinance.

First offense.....	\$50.00, waiver fee \$35.00
Second offense.....	\$75.00, waiver fee \$50.00
Third and each subsequent offense.....	\$100.00, waiver fee \$75.00

SECTION VII. SEVERABILITY. If any provision set forth in this ordinance shall be determined by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other provision of this ordinance.

SECTION VIII. EFFECTIVE DATE. This ordinance shall become effective 60 days after adoption by the Morgan Selectboard and shall supersede and replace all previous ordinances regulating the time, manner, and location of operation of ATVs in the Town of Morgan. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the effective date of this ordinance.

 Cecy Pope
 Larry Labor
 Rob [unclear]

 3/22/21
Date