

**ORDINANCE REGULATING ALL TERRAIN VEHICLES
TOWN OF BENSON, VERMONT**

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 Benson 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, when used for cross-country travel on trails or on any one of the following or a combination thereof: water, snow, ice, marsh, swampland and natural terrain.
- 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.
- B. All-terrain vehicles may be operated only on town highways when they have been opened to ATV use and have been so posted.
- C. All-terrain vehicles shall not be operated on public bike paths or hiking trails or on V.A.S.T. snowmobile trails.
- D. All speed limits and traffic control devices apply to the operation of ATVs on Town highways.
- E. ATVs may not be operated within the Town between 9 P.M. and 7 A.M. Monday through Friday or between 10 P.M. and 9 A.M. on Saturday and Sunday.
- F. ATVs shall not be operated in the village, on the Town's recreation field, on the public green in the center of town, in any burial ground, on the school playground or in the parking lot of any church, hospital or nursing home in the Town.

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SECTION V. PENALTIES.

First offense\$25.00, waiver fee \$15.00
Second offense\$50.00, waiver fee \$25.00
Third and each subsequent offense\$100.00, waiver fee \$50.00

SECTION VI. ENFORCEMENT. This is a civil ordinance and shall be enforced by the constable 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 Benson 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.

SIGNATURES

DATE

Adoption History

1. Agenda item at regular Selectboard meeting held on _____.
2. Read and approved at regular Selectboard meeting on _____ and entered in the minutes of that meeting which were approved on _____
3. Posted in public places on _____
4. Notice of adoption published in the Benson _____ newspaper on Benson _____ with a notice of the right to petition.
5. Other actions [petitions, etc.]