

TOWN OF FRANKLIN ATV ORDINANCE

NOTICE

TO OPERATORS OF ALL TERRAIN VEHICLES IN THE TOWN OF FRANKLIN

The Selectboard of the Town of Franklin, in the County of Franklin and the State of Vermont, by the grant of authority set forth in 24 V.S.A. §3510 hereby adopts this Ordinance regulating the use of All Terrain Vehicles (hereinafter ATV's) in the Town of Franklin as hereinafter set forth. This Ordinance amends the Ordinance entitled "Ordinance Town of Franklin, Notice to All Operators and Owners of Snowmobiles and All-Terrain Vehicles in the Town of Franklin, Vermont" adopted by the Selectboard of the Town of Franklin on May 7, 1985, in its entirety. This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

1. As used in this ordinance "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, land, water, snow, ice, marsh, swampland, and natural terrain.
2. The use of ATV's is authorized on all town roads located in the Town of Franklin between the hours of 6:00 a.m. and 10:00 p.m except that by order of the State of Vermont, ATV's may not be operated on Vermont Route #120 (including Main Street in Franklin) and Vermont Route #236. 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.
3. 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.
4. 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.
5. 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.
6. Operators of ATV vehicles operated on town roads pursuant to this Ordinance shall, at all times while operating said ATV, wear a DOT approved safety helmet.
7. 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.
8. 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 3 above, at a rate of speed not to exceed 30 MPH.
9. Any part or provision of this Ordinance shall be considered severable and, if any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

Ordinance which can be given effect without the invalid provisions of application, and to this end the provisions of this Ordinance are declared severable.

10. (a) 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 violates a provision of this civil ordinance shall be subject to a civil penalty of 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 Selectboard shall have the authority to act as Issuing Municipal Official(s) to issue and pursue before the Judicial Bureau a municipal complaint.

(b) Waiver Fee: An Issuing Municipal Official shall have the authority to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pay the waiver fee:

First offense	-	\$100
Second offense	-	\$200
All subsequent offenses	-	\$300

Offenses shall be counted on a calendar year basis.

(c) Civil penalties: An Issuing Municipal Official shall have the authority to recover civil penalties in the following amounts for each violation:

First offense	-	\$200
Second offense	-	\$400
All subsequent offenses	-	\$500

Offenses shall be counted on a calendar year basis.

11. 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.

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

In accordance with 24 V.S.A. Chapter 59, this Ordinance is adopted by the Town of Franklin Selectboard on this 26th day of June 2001, 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.