

TOWN OF JAY

ALL TERRAIN VEHICLE ORDINANCE

SECTION I. AUTHORITY

Pursuant to the provisions of Title 23, section 3510; Title 24, section 2291 (4); and Title 24, Chapter 59 of the Vermont Statutes Annotated, the select board of the Town of Jay, Vermont, for the purpose of promoting the public health, safety, welfare and convenience, does hereby ordain as follows:

SECTION II – PURPOSE

The purpose of this Ordinance is to protect the health and safety of operators of all-terrain vehicles, the residents of the town and to protect the animals, property and environment of the town. The provisions of this Ordinance are intended to supplement, but not to contradict, the regulations of all-terrain vehicles as set forth in Chapter 31 of Title 23 of the Vermont Statutes Annotated.

SECTION III – 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 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: water, snow, ice, marsh, swampland, and natural terrain. ATV shall not include an electric personal assistive mobility device.
- B. “Enforcement Officer” means any certified law enforcement officer.
- C. “Operate” shall include any attempt to operate and shall be construed to cover all matters and things connected with the presence of all-terrain vehicles whether they are in motion or at rest.
- D. “VASA” means the Vermont ATV Sportsman’s Association.
- E. “TAD” means VASA Trail Access Decal.

SECTION IV – OPERATION OF ATV’S

- A. All-terrain vehicles may be operated only on the following town highways:
 - 1. Cross Road (Town Highway #1)
 - 2. Revoir Flat Road (Town Highway #4)
 - 3. Belle Vista Road (Town Highway #33)
 - 4. North Jay Road (Town Highway #3)
- B. All-terrain vehicles may be operated on all town highways only by residents of the town of Jay, and then only for the purpose of accessing VASA trails.

- C. Only those all-terrain vehicles conforming to the following requirements may be operated on any town highway:
1. All ATVs must be registered, insured and operated according to the requirement of 23 V.S.A Chapter 31.
 2. Any person operating an ATV on any town highway shall have on his or her person a valid driver's license, or a Vermont State Police education card (required for 12 to 17 years of age while accompanied by an adult).
 3. ATV operators and passengers must be in full compliance with Vermont state statutes with regards to helmet laws when driving or riding on any town highway.
 4. ATV operators traveling on any town highway shall maintain the vehicle on the right side of the highway, in single file and with headlights on, at a rate of speed not exceeding the posted speed limit or 35 MPH, whichever is less.
 5. ATVs may only be operated on any town highway between the hours of 7 A.M. and 10 P.M.
 6. A valid VASA TAD must be attached to the ATV in order for the same to be operated on VASA trails within the Town of Jay.
 7. All ATVs being operated on any town highway pursuant to this ordinance shall be equipped with the following properly working equipment:
 - A. One or more headlights
 - B. A red rear light
 - C. Brakes in good mechanical condition
 - D. A United States Forest Service qualified spark arrester
 - E. A muffler system and such other equipment or devices that comply with the noise level standards as set forth in 23 V.S.A. section 3505 (b), and regulations adopted pursuant thereto.
 8. Unless otherwise determined by the select board, ATVs may be operated on any town highway only between such dates as shall be established annually by VASA.

SECTION V – PENALTIES

- A. In accordance with 24 V.S.A sections 1974 and 1974a, any person who violates a provision of this Civil Ordinance shall be subject to a civil penalty of up to \$500.00 per day for each day that such violation continues. Each day the violation continues shall constitute a separate violation.
- B. An Enforcement Officer shall have the authority to levy and collect a Waiver Fee in lieu of a civil penalty from any person who declines to contest a municipal complaint and who pays the Waiver Fee. Offenses shall be counted on a calendar year basis and Waiver Fee levied as follows:
 1. First Offense: full penalty - \$100.00; waiver fee - \$50.00
 2. Second Offense: full penalty - \$200.00; waiver fee - \$100.00
 3. All subsequent offenses: full penalty - \$500.00; waiver fee - \$250.00

4. In addition to the fees set forth above, an Operator of an ATV shall be liable for all repairs costs incurred for damage to any town highway and/or property caused by the ATV.
5. The Town of Jay shall not be liable to any Operator of an ATV or passenger on an ATV being operated in the Town of Jay for any personal property damage or personal injury or death occasioned for any reason whatsoever resulting from the operation of an ATV on any town highway pursuant to the provisions of this Ordinance.

SECTION VI – APPEALS

- A. Any person cited for a violation of this ordinance may contest the violation before the Judicial Bureau.
- B. A judgment entered by the Judicial Bureau may be appealed pursuant to the provisions of 4 V.S.A Section 1107.

SECTION VII – ENFORCEMENT

A violation of this ATV Civil Ordinance shall be a civil matter enforceable in the Judicial Bureau in accordance with the provisions of 24 V.S.A., chapter 59.

SECTION VIII – EFFECTIVE DATE

The above ordinance was adopted by the Selectboard of the Town of Jay on December 21, 2020, and shall become effective, pursuant to the provisions of 24 V.S.A., § 1971, et seq, sixty days from the date of its adoption, to wit, on February 21, 2021, unless a petition for a vote on the question of disapproving the same shall be filed in accordance with the provisions of Section 1973(b) of Title 24, Vermont Statutes Annotated, which section provides that a petition for a vote on the question of disapproving an ordinance or rule shall be signed by not less than five percent (5%) of the qualified voters of the municipality, and presented to the legislative body or the clerk of the municipality within forty five (45) days following the date of adoption of the ordinance or rule by the legislative body.

Questions regarding the foregoing adopted ordinance may be directed to Lynnette Deaette, Jay Town Clerk, 1036 Route 242, Jay, VT 05859, whose telephone number is 802-988-2996.

Dated at the Town of Jay, in the County of Orleans and the State of Vermont this day of December 21, 2020.

David Sanders
Tara Morse
Le-Ann Tetrault
Selectboard – Town of Jay