

**AN ORDINANCE REGULATING THE USE OF ATVS  
IN THE TOWN OF CANAAN, VERMONT  
(PURSUANT TO 24 V.S.A. CHAPTER 59)**

Be it ordained by the select board:

**Section 100 General Purpose and Preamble**

It is the purpose of this ordinance to regulate the operation of all-terrain vehicles within the Town of Canaan, for the following purposes of protecting public health and safety of the residents of Canaan and the operators of all-terrain vehicles within the town; and preserving and protecting the wildlife, the environment, and the right to peaceful and quiet enjoyment of their homes and properties by the residents and landowners of Canaan. The provisions of this ordinance are intended to supplement, but not contradict, the regulations of all-terrain vehicles as set forth in Title 23 Chapter 31 of the Vermont Statutes Annotated (V.S.A.).

**Section 101 Operation**

- A. Until there is an active ATV Club in Town the trails will remain closed. After there is a club the trails will close on Columbus Day weekend and open trails start in May as road conditions allow.
- B. Before and after the season the leaders of the Canaan ATV club will attend a select board meeting to discuss any problems and how they will be taken care of. They will also attend a meeting to deal with complaints when brought before the board.
- C. ATV riding on residential streets will not be before 7:00 am and not after 10:00 pm.
- D. Subject to all motor vehicle laws and regulations, both state and local, and in accordance with Title 23 Chapter 31 Section 3506: ATVs may be operated on the following town highways pending yearly review:
  - (1) Town Highway #3 Dubeau Road
  - (2) Town Highway #8 Fund/Judd Road
  - (3) Town Highway #9 Hall Stream Road
  - (4) Town Highway #12 Canaan Hill Road
  - (5) Town Highway #15 Clay Brook Road
  - (6) Town Highway #17 Kemp Hill Road
  - (7) Town Highway #20 Todd Hill Road up to Canaan Town line (not through Lemington)
  - (8) Town Highway #25 East Street in Beecher Falls
  - (9) Town Highway #1 River Road – from the intersection of River Road to VT 253 to Hall Stream Road Beecher Falls (this is the only road to be used when there is no ATV club)
  - (10) On all class IV highways not maintained for year round travel by motor vehicles
  - (11) Town Highway #11 Power House Road

- E. Subject to a 10 mph speed limit, ATVs may be operated on the side of the highway from West Stewartstown/Canaan Bridge to the corner of Gale Street and TH #24 (Park Street) to gain access to the driveway leading to the ATV trail.
- F. Only those all-terrain vehicles conforming to the following requirements may be operated on those town highways set forth in subparagraph D of this section.
  - 1. The all-terrain vehicle must be equipped with one or more working headlights and one or more working red rear lights, all of which must be illuminated from thirty minutes after sunset until thirty minutes before sunrise.
  - 2. The all-terrain vehicle must be equipped with brakes in good mechanical condition.
  - 3. The all-terrain vehicle must be equipped with USFS qualified spark arrester and a muffler system that produces a noise level not exceeding 82 decibels (A scale) at 50 feet.
- G. Any all-terrain vehicle pursuant hereto to be operated on any town highway may only be operated in accordance with the following:
  - 1. An all-terrain vehicle may not be operated on any town highway at a speed greater than 10 miles per hour, or the posted speed limit.
  - 2. An all-terrain vehicle may not be operated on any town highway at any time between the hours of 10:00 pm and 7:00 am.
  - 3. An all-terrain vehicle may only be operated by a person holding a valid driver's license. (V.S.A. Title 23 Chapter 31 §3506)
  - 4. No all-terrain vehicle shall be operated on any town highway unless a valid policy of liability insurance with minimum coverage of \$25,000 personal injury per person; \$50,000 total personal injury; and \$10,000 property damage is in effect for said all-terrain vehicle.
  - 5. The all-terrain vehicle will be registered in Vermont. (V.S.A. Title 23 Chapter 31 §3502)

#### Section 102 Non-Operation

- A. All town highways and streets including those not listed under Section 101 C and D are closed to ATVs except:
  - (1) To travel said road or street with ATVs to and from a place of residence in an orderly fashion subject to a 10 mph speed limit and any existing motor vehicle regulation.
  - (2) Fletcher Park, Beecher Falls Park, and the Canaan Recreational Park are closed to ATVs.
  - (3) All school property unless duly authorized by the School Board on specific occasion.

#### Section 103 Enforcement

- A. An enforcement officer may arrest, without warrant, in any part of the Town of Canaan, any person violating any part of this ordinance.
- B. Violators will be written through the use of the "uniform traffic ticket" and so marked "village ordinance".
- C. Fees collected from violations of this ordinance shall be paid to the general account of the Town of Canaan.

Section 104 Penalties

- A. First offense..... \$50.00, waiver fee \$35.00
- B. Second offense..... \$75.00, waiver fee \$50.00
- C. Third and each subsequent offense..... \$100.00, waiver fee \$75.00
- D. The waiver penalty will be applied whenever an alleged violator pays the fine without contesting the violation; the full penalty shall be applied whenever an alleged violator contests the charges and is determined to have violated a provision of this ordinance.

Section 105 Definitions for the purpose of this ordinance

- A. Enforcement officer means: State Police, Chief of Police, Police Officer, County Sheriff, State Game Warden, Deputy Sheriff, or Constable.
- B. Operate, includes an 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 rest.
- C. ATV means any four wheel non recreational vehicle when used for cross country travel on trails or designated roads listed in Section 101 C&D.

Section 106 Organized ATV Events

- A. ATV events will not be allowed without permission of the select board, subject to the following conditions which the sponsoring party shall provide:
  - (1) Law enforcement officers sufficient to insure a smooth flow of traffic and prevent any civil disturbance. They should be on duty two hours before and one hour after the event.
  - (2) Adequate parking must be provided off the traveled portion of the highway.
  - (3) Adequate toilets provided for the convenience of the patrons.
  - (4) A location away from residences to avoid sound and smoke pollution.

SECTION 107 Effective Date.

This ordinance shall become effective sixty (60) days after its adoption by the Town of Canaan Select Board. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking affect date of this ordinance.

/s/ Gregory D. Noyes

March 11, 2019

Date

/s/ Haven Haynes, Jr.

/s/ Frank Sawicki, Jr.

Canaan Selectboard

~~FRANK SAWICKI JR.~~