

TOWN OF CANAAN, VERMONT
ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES
Adopted pursuant to 23 V.S.A. Chapter 31 and 24 V.S.A. Chapter 59

Section I. Purpose and Authority

The purpose of this Ordinance is to regulate the time, manner, and location of all-terrain vehicle operation within the Town of Canaan in order to protect public health, safety, property, public highways, wildlife, the environment, and the peaceful enjoyment of residents and landowners.

This Ordinance is adopted pursuant to 23 V.S.A. Chapter 31, including 23 V.S.A. § 3510, and 24 V.S.A. Chapter 59. The provisions of this Ordinance are intended to supplement, and not contradict, Vermont law governing all-terrain vehicles.

This Ordinance regulates ATV operation on Town highways, municipal property, and State-approved connecting routes recognized by this Ordinance. It does not regulate otherwise lawful ATV operation on private property by the owner, lawful occupant, or a person operating with permission of the owner or lawful occupant.

This Ordinance shall be enforced as a civil ordinance.

Section II. Definitions

- A. "ATV" or "all-terrain vehicle" shall have the same meaning as provided under 23 V.S.A. Chapter 31, as amended from time to time.
- B. "Operate" means to ride, drive, control, park, stop, stand, or otherwise use an ATV, whether the ATV is in motion or at rest.
- C. "Town highway" means a highway, street, or road under the jurisdiction of the Town of Canaan, including Class 2, Class 3, and Class 4 town highways, unless otherwise closed, restricted, or not posted for ATV use.
- D. "State highway" means any highway or highway segment under the jurisdiction or control of the State of Vermont, including but not limited to VT Route 114, VT Route 253, VT Route 102, VT Route 144, and any State highway right-of-way within the Town of Canaan.
- E. "Recognized ATV club" means NEK Country Riders, any successor club, or another established ATV club, VASA-affiliated organization, or ATV organization recognized by the Selectboard as responsible for ATV route coordination in the Town of Canaan.
- F. "Enforcement officer" means any law enforcement officer authorized under Vermont law to enforce civil, traffic, or ATV laws, including Vermont State Police, sheriffs and deputy sheriffs, constables exercising law enforcement authority, fish and game wardens, motor vehicle inspectors, and any other officer authorized by law.

Section III. Recognized ATV Club and Signage Required

ATV operation on Town highways opened under this Ordinance is permitted only when there is an active ATV club recognized by the Selectboard for the applicable ATV season.

TOWN OF CANAAN, VERMONT

ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES

Adopted pursuant to 23 V.S.A. Chapter 31 and 24 V.S.A. Chapter 59

If there is no active recognized ATV club, ATV operation on Town highways under this Ordinance shall not be permitted, and all Town highways shall be deemed closed to ATV operation until the Selectboard recognizes an active ATV club and authorizes the season to open.

Before the opening of each ATV season, the recognized ATV club shall provide the Selectboard or its designee with:

- A. the name of the club and current officers or responsible contacts;
- B. current contact information for the club;
- C. confirmation that required ATV route signage is in place or will be installed before the route opens;
- D. confirmation that club-maintained trails, trail connections, route markers, and club-related ATV facilities are being maintained by the club and not by the Town;
- E. confirmation that the club will assist in receiving, reviewing, and responding to ATV-related complaints, signage issues, route concerns, and trail-connection issues referred by the Town; and
- F. any other information reasonably requested by the Selectboard to confirm that the club is active and able to support ATV use within the Town.

The Town may install, maintain, replace, supplement, or remove ATV-related signs on Town highways or municipal property as the Selectboard determines appropriate. The recognized ATV club may also install, maintain, replace, or remove ATV-related signs on Town highways or municipal property only with the approval of the Selectboard or its designee.

No person or club shall install, alter, move, obscure, or remove any ATV sign, traffic-control device, highway sign, municipal sign, or State sign without lawful authority.

Signage on State highways, State highway rights-of-way, or State-approved connector routes shall be governed by the approval, permit, posting, or conditions issued by the State of Vermont, the Vermont Agency of Transportation, the Secretary of Transportation, or other State authority having jurisdiction.

Recognition of an ATV club does not create any Town duty to administer an ATV trail system, maintain ATV trails, maintain club facilities, maintain trail connections, patrol ATV routes, manage club operations, or make any highway suitable for ATV use beyond the Town's ordinary highway responsibilities.

The Highway Department shall remain responsible only for ordinary Town highway maintenance as authorized by the Selectboard. The Highway Department shall not be responsible for ATV trail maintenance, club trail work, club route administration, or ATV-specific improvements unless expressly authorized by the Selectboard.

The Selectboard may suspend or revoke recognition of an ATV club, delay opening the season, close the season early, or close any Town highway or route to ATV operation if the club becomes inactive, required signage is not in place, required State approvals are not maintained, the club fails to coordinate

TOWN OF CANAAN, VERMONT

ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES

Adopted pursuant to 23 V.S.A. Chapter 31 and 24 V.S.A. Chapter 59

route issues, or continued ATV operation creates a public safety, road maintenance, enforcement, administrative, or liability concern.

Nothing in this section shall prohibit ATV operation that is independently authorized by Vermont law, including lawful agricultural, forestry, utility, emergency, municipal, or public safety use.

Section IV. Town Highways Opened to ATV Use

Subject to the requirements and restrictions of this Ordinance and Vermont law, the Town of Canaan opens all Town highways and streets under the jurisdiction of the Town of Canaan to ATV operation during the lawful season and hours established by this Ordinance, provided that:

- A. there is an active recognized ATV club for the applicable season;
- B. the required route signage or posting is in place;
- C. the route is not closed or temporarily suspended by the Selectboard, the State of Vermont, or other lawful authority; and
- D. the operator, passengers, and ATV comply with Vermont law, this Ordinance, and all posted route conditions.

This authorization applies to Town highways only. It does not, by itself, authorize ATV operation on State highways, State highway rights-of-way, private property, sidewalks, school property, or municipal property except as expressly provided in this Ordinance.

The Selectboard may temporarily close any Town highway or segment thereof to ATV use for public safety, road conditions, construction, mud season, weather, emergency response, environmental protection, lack of signage, lack of an active recognized ATV club, or other good cause. Temporary closures may be posted by sign, public notice, website notice, or other reasonable method.

Section V. State Highways and State-Approved Connections

This Ordinance does not, by itself, open any State highway or State highway right-of-way to ATV operation. State highways within the Town of Canaan remain under the jurisdiction and control of the State of Vermont, the Vermont Agency of Transportation, the Secretary of Transportation, or other State authority having jurisdiction.

ATVs shall not be operated along or upon any State highway in Canaan, including but not limited to VT Route 114/Gale Street, VT Route 253/Christian Hill, VT Route 102, VT Route 144, or any State highway right-of-way, except where operation has been approved by the State of Vermont and is posted or otherwise permitted as required by Vermont law.

The following State-approved connections are recognized by this Ordinance only to the extent that State approval remains in effect and the connection is posted or otherwise permitted as required by law:

- A. West Stewartstown/Canaan Bridge to Gale Street/Park Street Access. Subject to a speed limit of 10 miles per hour, ATVs may be operated on the side of the highway from the West

TOWN OF CANAAN, VERMONT

ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES

Adopted pursuant to 23 V.S.A. Chapter 31 and 24 V.S.A. Chapter 59

Stewartstown/Canaan Bridge to the corner of Gale Street and TH #24/Park Street for the limited purpose of gaining access to the driveway leading to the ATV trail, provided such operation remains authorized by the State of Vermont.

- B. VT Route 253 / Christian Hill to Kingsley Road Access. ATVs may be operated on VT Route 253 from its intersection with VT Route 114/Gale Street northerly to Kingsley Road/TH #23, for access to businesses and the ATV route in that area, provided such operation remains authorized by the State of Vermont and is posted or otherwise permitted as required by law.
- C. No Other State Highways Opened. No other portion of VT Route 114, VT Route 253, VT Route 102, VT Route 144, or any other State highway or State highway right-of-way within the Town of Canaan is opened to ATV operation unless separately approved by the State of Vermont and posted or otherwise permitted as required by law.
- D. State Conditions Control. If any route, speed, posting requirement, seasonal restriction, hours of operation, equipment requirement, or operating condition imposed by the State of Vermont is more restrictive than this Ordinance, the State requirement shall control.

Section VI. Season of Operation

ATV operation on Town highways opened under this Ordinance shall be permitted only during the annual ATV season.

The annual ATV season shall begin in May on the date determined or posted by the Selectboard or its designee, as road and trail conditions allow, and shall continue through the end of Columbus Day Weekend.

The annual ATV season shall not open unless the Selectboard has recognized an active ATV club for that season and determined that required Town and State route signage, including signage for any State-approved connector routes, is in place.

The Selectboard may delay opening, close the season early, or temporarily suspend ATV operation due to road conditions, weather, mud season, public safety, emergency conditions, lack of an active recognized ATV club, lack of required signage, or other good cause.

Section VII. Hours of Operation

ATV operation on Town highways opened under this Ordinance shall be permitted only between 7:00 a.m. and 10:00 p.m.

No ATV shall be operated on any Town highway under this Ordinance between 10:00 p.m. and 7:00 a.m., except by public safety personnel, emergency responders, municipal personnel, utility personnel, or others acting under lawful authority.

Section VIII. Manner of Operation

Any ATV operated on a Town highway or approved State-highway ATV route shall be operated in a safe, prudent, and lawful manner and in accordance with all applicable State and local requirements.

TOWN OF CANAAN, VERMONT

ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES

Adopted pursuant to 23 V.S.A. Chapter 31 and 24 V.S.A. Chapter 59

- A. ATVs shall be operated in the traveled portion of the roadway, in the proper lane of travel, with the flow of traffic, and in the same general manner as other vehicles using the roadway, except where a State-approved connection or posted route expressly allows otherwise.
- B. ATVs shall obey the posted speed limit for the roadway, unless a lower ATV-specific speed limit is posted or otherwise required by this Ordinance or by State approval.
- C. No ATV shall be operated at a speed greater than is reasonable and prudent under the conditions then existing.
- D. ATVs shall not be operated on sidewalks or breakdown lanes, except where expressly authorized by State approval, posted route designation, lawful traffic control, emergency circumstances, or direction from an enforcement officer.
- E. ATVs shall yield to pedestrians, bicyclists, emergency vehicles, highway maintenance vehicles, and other vehicles when required by law or when necessary for safety.
- F. No ATV shall be operated in a careless, negligent, reckless, disorderly, or unsafe manner.
- G. No ATV shall be operated in a manner that damages public or private property, public highways, drainage infrastructure, natural resources, or wildlife habitat.
- H. Operators shall obey all posted signs, traffic-control devices, temporary closures, and lawful orders of enforcement officers.

Section IX. Compliance with Vermont ATV Law

All ATV operators, passengers, and owners shall comply with all applicable provisions of Vermont law governing all-terrain vehicles, including 23 V.S.A. Chapter 31, as amended from time to time, and any applicable rules, permits, postings, approvals, or conditions issued by the State of Vermont.

The Town's authorization for ATV operation on Town highways, municipal parking areas, and State-approved connecting routes recognized under this Ordinance is conditioned upon compliance with applicable State law.

Nothing in this Ordinance shall be construed to create separate Town-specific requirements for ATV registration, Trail Access Decals, insurance, headgear, operator age, safety education, lighting, brakes, exhaust, mufflers, spark arresters, equipment, vehicle modifications, financial responsibility, or similar safety requirements. Such matters shall be governed by Vermont law, as amended from time to time.

Where State law, State approval, route posting, or a condition imposed by the Vermont Agency of Transportation or other State authority is more restrictive than this Ordinance, the State requirement shall control.

Operation of an ATV in violation of applicable Vermont law, State approval, or posted route conditions may constitute a violation of this Ordinance when occurring on a Town highway, municipal property, or State-approved route opened or recognized under this Ordinance, to the extent enforcement is allowed by law.

TOWN OF CANAAN, VERMONT

ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES

Adopted pursuant to 23 V.S.A. Chapter 31 and 24 V.S.A. Chapter 59

Section X. Private Property, Municipal Property, Parks, and Closed Areas

- A. Private Property. This Ordinance does not regulate ATV operation on private property by the owner, lawful occupant, or a person operating with permission of the owner or lawful occupant. Nothing in this Ordinance authorizes any person to operate an ATV on private property without permission.
- B. Sidewalks and Breakdown Lanes. ATV operation is prohibited on sidewalks and breakdown lanes, except where expressly authorized by State approval, posted route designation, lawful traffic control, emergency circumstances, or direction from an enforcement officer.
- C. Town Parks and Municipal Parking Areas. ATVs may enter and operate within established parking lots, driveways, and vehicle travel areas of Town parks and municipal facilities for transportation, access, and parking purposes only, in the same manner as other motor vehicles.
- D. Park Facilities Closed to ATV Operation. ATVs shall not be operated on walking tracks, athletic fields, lawns, playgrounds, splash pad areas, trails, paths, sidewalks, pavilions, landscaped areas, or other non-vehicle areas of any Town park or municipal facility.
- E. Canaan Recreational Park Walking Track. ATVs are prohibited on the Canaan Recreational Park walking track unless expressly approved by the Recreation Park Committee or the Selectboard for a specific purpose, event, maintenance need, or emergency.
- F. Cemeteries. ATVs shall not be operated in Town cemeteries except by Town personnel, contractors, emergency responders, or others acting under lawful authority or specific Town permission.
- G. School Property. ATVs shall not be operated on school property unless authorized by the applicable school board or lawful authority.
- H. Posted or Temporarily Closed Areas. ATVs shall not be operated on any road, trail, land, municipal property, or area posted as closed to ATV use, or temporarily closed by the Selectboard, the State of Vermont, or other lawful authority.

Section XI. Class 4 Highways and Unmaintained Highways

Class 4 town highways and highways not maintained for year-round travel by motor vehicles are opened to ATV use only to the extent they are Town highways, legally open to public travel, properly posted for ATV use, and not otherwise closed or restricted.

Use of Class 4 highways and unmaintained highways shall be at the operator's own risk. Nothing in this Ordinance shall create any obligation for the Town to maintain, repair, improve, patrol, or make any Class 4 highway or unmaintained highway safe or suitable for ATV use.

Operators shall not create ruts, erosion, drainage damage, road damage, or obstruction of public travel.

TOWN OF CANAAN, VERMONT

ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES

Adopted pursuant to 23 V.S.A. Chapter 31 and 24 V.S.A. Chapter 59

Section XII. Organized ATV Events

No organized ATV event, rally, parade, group ride, race, fundraiser, or similar event using Town highways or municipal property shall occur without prior approval of the Selectboard.

The Selectboard may require the sponsoring organization or applicant to provide:

- A. a proposed route and event schedule;
- B. proof of liability insurance naming the Town as an additional insured, if deemed necessary by the Selectboard;
- C. adequate law enforcement or traffic control;
- D. adequate parking off the traveled portion of the highway;
- E. adequate toilet and sanitation facilities;
- F. a plan to reduce noise, dust, smoke, traffic conflict, and disturbance to residences;
- G. emergency access and communication plans; and
- H. any other conditions reasonably necessary to protect public safety, property, roads, and residents.

The Selectboard may deny, condition, suspend, or revoke approval for any organized ATV event for good cause.

Section XIII. Annual Review and Club Coordination

The recognized ATV club shall, upon request of the Selectboard, attend one or more Selectboard meetings before, during, or after the ATV season to discuss road conditions, complaints, enforcement concerns, signage, safety issues, trail connections, and any needed changes.

The Selectboard may review this Ordinance, opened highways, posted routes, State-approved connections, complaints, damage, safety concerns, and enforcement issues annually.

Section XIV. Enforcement

This Ordinance may be enforced by any enforcement officer authorized by law.

Violations may be enforced through the Vermont Judicial Bureau by municipal complaint, civil ordinance complaint, Vermont civil violation complaint, or other approved form or procedure authorized by law.

An enforcement officer may issue a civil complaint for any violation of this Ordinance. The Town Attorney, Selectboard, or designee of the Selectboard may dismiss or amend a complaint as allowed by law.

Nothing in this Ordinance limits the authority of enforcement officers to enforce Vermont statutes, traffic laws, criminal laws, ATV laws, or other applicable laws.

TOWN OF CANAAN, VERMONT
ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES
Adopted pursuant to 23 V.S.A. Chapter 31 and 24 V.S.A. Chapter 59

Section XV. Penalties

A violation of this Ordinance shall be a civil violation. The following civil penalties shall apply:

Offense	Full Penalty	Waiver Penalty
First offense	\$50.00	\$35.00
Second offense within a twelve-month period	\$75.00	\$50.00
Third and each subsequent offense within a twelve-month period	\$100.00	\$75.00

The waiver penalty shall apply when the alleged violator admits the violation and pays the waiver penalty without contesting the complaint. The full penalty may be assessed upon default or after a contested hearing if the violation is found to have occurred.

Each separate violation may constitute a separate offense. Penalties collected for violations of this Ordinance shall be paid to the Town of Canaan to the extent permitted by law.

Section XVI. Damage to Town Property

Any person who damages a Town highway, bridge, culvert, ditch, sign, post, gate, park, municipal property, or other public property while operating an ATV may be liable to the Town for the cost of repair, replacement, restoration, and related expenses, in addition to any civil penalty or other remedy available by law.

Section XVII. No Assumption of Liability by Town; No ATV Maintenance Duty

Opening Town highways to ATV use under this Ordinance does not constitute a representation that any highway, trail, road, shoulder, bridge, culvert, or public way is safe or suitable for ATV use.

ATV operators and passengers assume the ordinary and inherent risks of ATV operation. Nothing in this Ordinance shall be construed to create any duty, warranty, or liability on the part of the Town of Canaan, its officers, employees, agents, or volunteers beyond that imposed by law.

The opening of Town highways to ATV operation is for route connectivity only and shall not require the Town, the Selectboard, the Town Clerk, the Highway Department, or any Town employee to administer an ATV trail system, maintain ATV trails, install or maintain ATV-specific signage, respond to ATV club operational issues, or make any highway suitable for ATV use beyond the Town's ordinary highway responsibilities, unless expressly authorized by the Selectboard.

TOWN OF CANAAN, VERMONT
ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES
Adopted pursuant to 23 V.S.A. Chapter 31 and 24 V.S.A. Chapter 59

Section XVIII. Severability

If any section, subsection, sentence, clause, phrase, provision, requirement, penalty, application, or portion of this Ordinance is held to be invalid, unlawful, unconstitutional, preempted, or unenforceable by any court or agency of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance.

The Selectboard hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, provision, requirement, penalty, application, and portion thereof, regardless of the fact that any one or more portions may be declared invalid or unenforceable.

This Ordinance shall be construed and applied so as to give effect to the lawful intent of the Selectboard to the fullest extent permitted by law. Any invalid or unenforceable provision shall be severed, limited, or applied in a manner consistent with applicable law, and the remaining provisions shall remain in full force and effect.

Section XIX. Repeal of Prior Ordinance

Upon the effective date of this Ordinance, any prior Town of Canaan ordinance regulating the use of ATVs is repealed and replaced by this Ordinance.

TOWN OF CANAAN, VERMONT
ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES
Adopted pursuant to 23 V.S.A. Chapter 31 and 24 V.S.A. Chapter 59

Section XX. Effective Date

This Ordinance shall become effective sixty (60) days after adoption by the Canaan Selectboard unless a petition is filed pursuant to 24 V.S.A. § 1973, in which case the effective date shall be governed by Vermont law.

Adopted this 23 day of July, 2026.

TOWN OF CANAAN SELECTBOARD

Dillon Begin, Chair, ss.

Date: July 23, 2026

Alfred Buckley, ss.

Alan Leigh, ss.