

**TOWN OF HIGHGATE
ALL TERRAIN VEHICLE AND SNOWMOBILE ORDINANCE**

DATE EFFECTIVE JUNE 5, 2018

SECTION I: AUTHORITY

Under the authority granted in 24 V.S.A. §1971 and 23 V.S.A. §3510, the Town of Highgate Select board hereby adopts the following Civil Ordinance regulating the use of All Terrain Vehicles, hereinafter known as “ATV” and Snowmobiles within the town.

SECTION II: PURPOSE

This ATV and Snowmobile Civil Ordinance is adopted to promote public health and safety by providing for the regulation of ATVs and Snowmobiles within the Town of Highgate.

SECTION III: DEFINITIONS

1. “ATV” or “All-Terrain Vehicle” 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. An ATV on a highway shall be considered a motor vehicle, as defined in 23 V.S.A. §4. An ATV shall not include an electric personal assistive mobility device.
2. “Operate” shall include any attempt to operate and shall be construed to cover all matters and things connected with the presence and use of ATVs and Snowmobiles whether they be in motion or at rest.
3. “Snowmobile” means any of various automotive vehicles for travel on snow; specifically: an open vehicle for usually one or two persons with steerable skis on the front and an endless belt at the rear.
4. VAST is the Vermont Association of Snow Travelers.

SECTION IV: SPECIFIC PROVISIONS

The use of ATVs is not authorized on or over any town road located within the Town of Highgate. ATV use on privately owned property to include agricultural, hunting or fishing use is restricted to no closer than three feet from the traveled portion of the roadway. ATV’s operating on private property must comply with all provisions as set forth pursuant to the provisions of 23 V.S.A. §3506. ATV’s used for agricultural, hunting or fishing purposes may cross the road or travel short distances on the road to reach their destination if they are compliant with all other standards for ATV that are set forth in these regulations and state law as set forth pursuant to 23 V.S.A. §3506.

A Snowmobile not currently registered with VAST being fueled at a gas station located in Highgate Center, is presumed to have traveled on town roadways and is considered in violation of this ordinance unless the ATV or Snowmobile is contained within the cargo area of a truck or secured properly on a trailer.

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The use of Snowmobiles is restricted to VAST trails, Snowmobiles may travel the distance required from the trail intersection at Gore Road (Vermont Route 207 North of Highgate Center) to the gas stations located in Highgate Center for the purpose of refueling and purchasing goods only. Travel is restricted to Gore Road on the right side of the road travelling in the same direction as normal traffic not to exceed 15 MPH, Crossing Vermont Route 78 is limited to a 90 degree crossing at the Gore road intersection to the parking lot of the store. The Town of Highgate shall provide appropriate posting for this limited access pursuant to 23 V.S.A. §3206(b)(4).

ATV and Snowmobile use on school and municipal property is prohibited, fines will be doubled for violations of this provision, this does not include the section of the rail trail located adjacent to school property for snowmobiles as permitted with VAST membership.

All ATVs must be registered and operated according the requirements of 23 V.S.A. Chapter 31.

SECTION V: PENALTIES

1. In accordance with 24 V.S.A. §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.
2. The Constable of the Town of Highgate, Vermont State Police, Franklin County Sheriff's Department and/or any person duly appointed by the Selectboard shall have the authority to act as an Issuing Municipal Official, to issue and pursue before the Judicial Bureau, a municipal complaint.
3. An Issuing Municipal Official 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 pay the Waiver Fee. Offenses shall be counted on a calendar year basis and Waiver Fees levied as follows:
 - a. First Offense \$100.00, Waiver Fee \$75.00 (\$200.00 School provision no waiver)
 - b. Second Offense \$200, Waiver Fee \$150.00 (\$400.00 School provision no waiver)
 - c. Third Offense \$500.00, Waiver Fee \$300.00 (no waiver for School provision)

SECTION VI: AMENDMENTS

1. This Ordinance may be amended by a majority vote of the legislative body at any duly warned meeting, provided the subject appears on the agenda for that meeting.
2. Any amendments to this Ordinance shall take effect in accordance with 24 V.S.A. §1971.

SECTION VII: APPEALS

**TOWN OF HIGHGATE
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1. Any person cited for a violation of this Ordinance may contest the violation before a judge in the Judicial Bureau.
2. A judgment entered by the Judicial Bureau may be appealed under the provisions of 4 V.S.A. §1107.

SECTION VIII: EFFECTIVE DATE

This Ordinance shall become effective sixty (60) days after its adoption by the legislative body, unless a petition is filed under 24 V.S.A. §1973, in which case said statute shall govern the taking effect of this Ordinance.

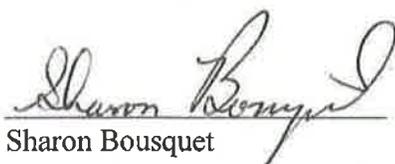
SECTION IX: ENFORCEMENT

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

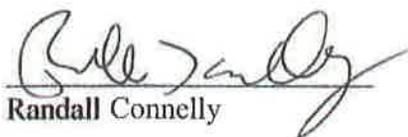
SECTION X: SEVERABILITY

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 the application, and to this end the provisions of this Ordinance are declared severable.

Adopted by the Highgate Selectboard on April 5, 2018.


Sharon Bousquet


Bruce Butler


Randall Connelly


Steve Lafar


Josh LaRocque

TOWN OF HIGHGATE, VERMONT ALL TERRAIN VEHICLES AND SNOWMOBILE ORDINANCE

On February 1, March 15, and April 5, 2018, the Highgate Selectboard held public hearings on a proposed All-Terrain Vehicle (ATV) and Snowmobile Ordinance pursuant to the provisions of 24 VSA, Section 1972. The Town of Highgate Selectboard adopted this Ordinance on April 5, 2018 prohibiting the use of ATVs on any roads within Highgate and narrowly restricting the use of snowmobiles. Copies of the full text of the adopted Ordinance are available at the Town's webpage Highgatevt.org or by contacting the municipal office at 868-4697 or hbvalenta@highgatevt.org or by stopping by the office at 2996 RT 78, Highgate Center. Reading the entire document is advisable in order to understand the full impact of the ordinance; however a summary of the document is listed below:

ATV AND SNOWMOBILE ORDINANCE

ATV use is prohibited on all Highgate Roads.

Snowmobiles that are registered with VAST may cross Gore Road to access fuel at stations near the trail.

ATV and snowmobile use on school and municipal property is prohibited, fines will be doubled for violations of this provision.

Adopted by the Town of Highgate Selectboard at its regular meeting on April 5, 2018:

This Ordinance will become effective sixty (60) days after the approval of the Selectboard unless pursuant to 24 V.S.A. § 1973, at least five percent (5%) of the voters petition the Selectboard or the Town Clerk within forty four (44) days for a vote on the question of disapproving the Ordinance. Questions regarding this ordinance may be directed to the Town Administrator, Heidi Britch-Valenta, at 868-4922 or hbvalenta@highgatevt.org.