

**CITY OF NEWPORT  
ORDINANCE # 120 REGULATING  
ALL-TERRAIN VEHICLE USE ON TOWN HIGHWAYS**

**SECTION I. AUTHORITY.** Under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. § 2291(4), and 23 V.S.A. § 3510, and § 23 of the Charter of the City of Newport, the City Council of the City of Newport hereby adopts the following civil ordinance regulating the time, manner, and location of operation of all-terrain vehicles (“ATVs”) on town highways.

**SECTION II. PURPOSE.** The purpose of this ordinance is to protect the public health, safety, and welfare of the City, and to preserve residents’ rights to quiet enjoyment of their homes and property, by regulating the time, manner, location, and operation of ATVs within the City.

**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 having 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: land, water, snow, ice, marsh, swampland, and natural terrain. An ATV on a public highway shall be considered a motor vehicle, as defined in section 4 of this title, only for the purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U), (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D); (4)(A) and (B) and (5) of this title and as provided in section 1201 of this title. An 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 and use of all-terrain vehicles whether they are in motion or at rest.
- D. “VASA” means the Vermont All-Terrain Vehicle Association.
- E. “Town Highway” or “Town Highways” means all class 1, 2, 3, and 4 town highways located within the City of Newport.

**SECTION IV. TOWN HIGHWAYS OPENED.** The following Town Highways shall be open to ATV traffic in both directions: ([Road name] from (street address/intersection) to (street address/intersection)).

- A. Highland Ave to Third St., Third St. to Main St., Main St. over the Veterans Memorial Bridge to access the Glenn Road, and to access Western Ave.
- B. Western Ave to access East Main as far as the intersection of East Main and Sias Ave.
- C. Main St. to the Causeway to include Union St. to access the Public Works Garage for a Trail Head,
- D. Union St. to Lake St.,

- E. Main St. to Coventry St to allow access to a Trail Head at the Recycling Center.
- F. From the Causeway up East Main St. as far as the intersection of Sias Ave and Western Avenue.
- G. **SECTION V. OPERATION OF ATVs.** ATV operators shall comply with all state and federal law regulating ATV operation, in addition to the following requirements regarding the operation of ATVs in the City of Newport:
  - A. All posted speed limits and traffic control devices on Town Highways shall apply to the operation of ATVs.
  - B. ATVs may not be operated within the City of Newport between the hours of 10:00 P.M. and 8:00 A.M.
  - C. ATV travel on Town Highways shall be single file. No racing shall be allowed.
  - D. Hand signals are required to indicate all turns and stops, in the absence of street legal turn signal lights.
  - E. ATVs shall not be operated on Town/public property not open to ATV operation, including: sidewalks, bike paths, hiking trails, recreation fields, on any public greens, in any burial ground or cemetery, on any school playground, child care center, in any wastewater treatment plant, or in the parking lots of any place of religious worship, "Park & Ride" areas, and hospital/clinic and nursing home, VAST snowmobile trails, or as otherwise prohibited by law—unless specific permission is granted by an authorized person or entity.
  - F. ATV operators must have a valid driver's license in order to operate an ATV on Town Highways.
  - G. ATV operators and passengers must wear a US Department of Transportation (DOT) approved helmet (unless operating an ATV equipped with seat belts).
  - H. All ATVs operated in accordance with this ordinance must be registered with the State of Vermont, and all owners of ATV's operated in accordance with this ordinance must have and carry evidence of liability insurance.
  - I. ATVs must be equipped with:
    - 1. At least one headlight and a rear light in working order, brakes in good mechanical condition, and any windshield free from sharp or jagged edges. (23 V.S.A. § 3505(a) and 23 V.S.A. § 3506(d)). In addition, lights shall be on during vehicle operation from 30 minutes after sunset to 30 minutes before sunrise; and
    - 2. An efficient muffler and exhaust system—an exhaust system with a cut-out, bypass, or similar device, or with the spark arrester removed or modified is NOT permitted. The maximum machine operating noise shall not be more than 82 decibels on the A scale at 50 feet, in a normal operating environment (23 V.S.A. § 3505(b)).

**SECTION VI. ENFORCEMENT & PENALTIES.** The violation of this ordinance shall be a civil matter which may be enforced in the Judicial Bureau in accordance with the provisions of 24 V.S.A. Chapter 59. For the purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have the authority to issue tickets provided in the Section and may be the prosecuting officer at any hearing:

- A. An Enforcement Officer is authorized to recover civil penalties for moving violations, or for the operation of an ATV in excess of the posted speed limit.

B. An Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance as set forth below:

1. First offense .....\$100.00, waiver fee \$35.00
2. Second offense .....\$150.00, waiver fee \$70.00
3. Third and each subsequent offense .....\$300.00, waiver fee \$225.00

C. Operators of ATVs shall be liable, in addition to the penalties above, for damages to Town Highways or other City property caused by the operation of an ATV in violation of this Ordinance.

**SECTION VII. SEVERABILITY.** If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

**SECTION VIII. EFFECTIVE DATE.** This ordinance shall become effective 60 days after its adoption by the Newport City Council and shall supersede and replace all previous ordinances regulating the time, manner, and location of operation of ATVs in the City of Newport. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

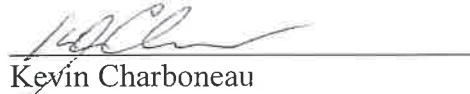
Adopted at the City of Newport this 21 day of October 2019.

NEWPORT CITY COUNCIL

  
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Paul L. Monette, Mayor

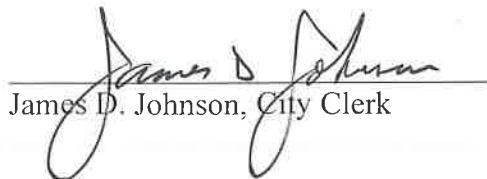
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Julie Raboin

  
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Melissa Pettersson

  
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Kevin Charboneau

  
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Dan Ross

Received and recorded this 22<sup>nd</sup> day of October 2019.

  
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James D. Johnson, City Clerk