

**TOWN OF HOLLAND, VERMONT
ORDINANCE
REGULATING ALL-TERRAIN VEHICLES (ATVs)**

SECTION 1. AUTHORITY. Under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. §§ 2291(1),(4), and 23 V.S.A. §§ 3506, 3510, the Select Board of the Town of Holland (hereinafter “Select Board”) hereby adopts the following civil ordinance regulating the time, manner, and location of operation of all-terrain vehicles within the town.

SECTION 2. PURPOSE. The purpose of this ordinance is to promote and protect the public health, safety, and welfare of the Town of Holland (hereinafter “Town”), and to preserve residents’ rights to quiet enjoyment of homes and properties by regulating the time, manner, and location of operation of all-terrain vehicles (“ATVs”) within the Town.

SECTION 3. DEFINITIONS.

- A. “All-terrain vehicle,” or “ATV,” means any non-highway recreational vehicle, except snowmobiles, having not 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 2,500 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 does not include an electric personal assistive mobility device, a motor-assisted bicycle, or an electric bicycle.
- B. “Operate” includes 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.
- C. “Town Highway” or “Town Highways” means all class 1, 2, 3 and 4 town highways located within the Town.
- D. “Enforcement Officer” means any law enforcement officer certified by the Vermont criminal justice training council.

SECTION 4. OPERATION OF ATVs.

- A. ATVs may be operated only on the following town highways that are posted for ATV travel:
 - a. All Class II highways that are posted for ATV travel;
 - b. All Class III highways that are posted for ATV travel;
 - c. All Class IV highways that are posted for ATV travel.
- B. ATVs shall not operate on the following:
 - a. Currently listed town trails.
 - i. Examples include Caswell Mill, Lahue Road, the ends of Tree Farm Road, Smith Road and Moulton Hill Road.
 - b. Beyond the intersection of Holland Pond Road, Fishing Access Road and South Shore Road.
 - c. Public paths or public hiking trails.

- d. On or within the Bill Sladyk Wildlife Management Area, Holland School Grounds, Cemeteries and Town Garage lot.
 - e. Private property or private roads unless Operator has written permission from landowner on their person.
- C. All operators of ATVs on town roads must comply with:
- a. All posted speed limits and traffic control devices.
 - b. ATVs shall operate in single file. No racing shall be allowed.
- D. ATVs may not be operated within the Town between 8 p.m. and 8 a.m. Sunday through Saturday.
- a. Unless the Select Board designates otherwise, ATVs shall not be operated after 8 p.m. the first Saturday of October till 8 A.M. on the third Saturday of May each year.

SECTION 5. PENALTIES.

- A. Penalties relating to illegal operation of ATVs on town roads
- a. First offense.....\$100, waiver fee \$75
 - b. Second offense.....\$200, waiver fee \$150
 - c. Third and each subsequent offense.....\$500, waiver fee \$300
- B. Penalties relating to violating Section IV, subsection D; are subject to the following penalties
- a. First offense.....\$200, waiver fee \$100
 - b. Second offense.....\$300, waiver fee \$200
 - c. Third and each subsequent offense.....\$600, waiver fee \$400
- C. Determining the sequences of offenses for violations of this Ordinance shall be as follows: a subsequent violation that is identical to, and that occurs within the same calendar year of, a previous violation shall be considered a higher offense (i.e., second, third, or subsequent offense). Any subsequent identical violation that occurs in a following calendar year of a previous identical violation shall be considered a new first offense
- D. For the above offenses, the Enforcement Officer is authorized to recover a waiver fee, in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver fee.
- E. The Enforcement Officer is authorized to recover civil penalties for the following violations as set by the State of Vermont:
- a. Operation along a highway that has not been opened for use by the Select Board. 23 V.S.A. § 3506(b)(1)(A).
 - b. Operation within a public cemetery. 23 V.S.A. § 3506(b)(10).
 - c. Operation on a sidewalk that has not been opened for travel by the Select Board. 23 V.S.A. § 3206(b)(12).

SECTION 6. ENFORCEMENT. This is a civil ordinance and shall be enforced by any Enforcement Officer through the Judicial Bureau. For purposes of enforcement in the

