

**TOWN OF WHEELLOCK
SNOWMOBILE ORDINANCE**

SECTION 1. AUTHORITY. This civil ordinance is adopted by the Selectboard of the Town of Wheelock under authority of 23 V.S.A. § 3210, 24 V.S.A. §§ 2291(1), (4), (7) and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this Ordinance is to promote and protect the public health, safety and welfare of the Town, and to preserve residents' rights to quiet enjoyment of homes and properties by regulating the time, manner, and location of operation of snowmobiles within the Town.

SECTION 3. DEFINITIONS. For the purposes of this Ordinance, the following words and / or phrases shall be defined as follows:

A. "Enforcement Officer" means any law enforcement officer certified by the Vermont criminal justice training council.

B. "Operate" includes an attempt to operate and shall be construed to cover all matters and things connected with the presence and use of snowmobiles within the Town whether they be in motion or at rest.

C. "Public land" means all land that is either owned or controlled by a local, state or federal governmental body.

D. "Snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow, having a curb weight of not more than 793.783 kg (1,750 lbs.), driven by track or tracks in contact with the snow and steered by a ski or skis in contact with the snow.

E. "VAST" means the Vermont Association of Snow Travelers.

F. Other definitions found in 23 V.S.A. § 3201 are incorporated by reference.

SECTION 4. SIGNAGE. Placement and maintenance of all signs regulating snowmobile operation on public lands, on VAST trails, at crossings of trails over highways or sidewalks, and on town highways or sidewalks which have been opened by the Selectboard for snowmobile traffic shall be the responsibility of VAST.

Highways that are opened to snowmobile travel must be posted with signs that provide notice that the highway is open to snowmobile travel. Signage must be in conformance with the *Manual of Uniform Traffic Control Devices* (MUTCD), as required by 23 V.S.A. § 1025.

SECTION 5. TOWN HIGHWAYS OPENED. Pursuant to 23 V.S.A. § 3206, all town highways that are not being maintained and plowed by the Town for use by motor vehicles during the snow season are open to snowmobile traffic.

In addition, the following town highways shall be open to snowmobile traffic:

1. Class IV roads, unless posted otherwise.
2. Class III roads, unless posted otherwise
3. Class II roads, unless posted otherwise

SECTION 6. SPEED LIMITS AND TRAFFIC CONTROL DEVICES. All posted speed limits and traffic control devices on Town highways shall apply to the operation of snowmobiles. Notwithstanding the above, no person shall drive a snowmobile on a public right of way at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards there existing. In every event, speed shall be controlled as necessary to avoid collision with any person, vehicle, snowmobile, or other object on or adjacent to the snowmobile trail.

Speed limits for snowmobiles while operating on town highways will be the same as the posted speed limits. All snowmobiles must be in single file, follow all traffic rules and control devices that apply to the Town Highway.

Any highways that are opened to snowmobile travel must be posted with signs that provide notice that the highway is open to snowmobile travel. Signage must be in conformance with the *Manual of Uniform Traffic Control Devices* (MUTCD), as required by 23 V.S.A. § 1025.

SECTION 7. TIME OF OPERATION. Snowmobiles may not be operated between the hours of 10pm and 7am.

SECTION 8. SINGLE FILE; RACING. Snowmobile travel on town highways and sidewalks which have been opened for their use shall be single file. No racing shall be allowed.

SECTION 9. OPERATION ON PUBLIC PROPERTY AND CEMETERIES. Snowmobiles shall not be operated on the following public property: Town Hall green. Nor shall a snowmobile be operated within any public or private burial ground within the Town, as per 23 V.S.A. § 3206(13).

SECTION 10. PENALTIES.

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

- Operation in excess of local speed limit:
 - 1st Offense: \$50 fine. Waiver amount: \$35
 - 2nd Offense: \$100 fine. Waiver amount: \$70
 - 3rd Offense: \$250 fine. Waiver amount: \$225
- Operation during hours when snowmobiling is prohibited:
 - 1st Offense: \$50 fine. Waiver amount: \$35
 - 2nd Offense: \$100 fine. Waiver amount: \$70
 - 3rd Offense: \$250 fine. Waiver amount: \$225
- Failure to operate in single file:
 - 1st Offense: \$50 fine. Waiver amount: \$35

2nd Offense: \$100 fine. Waiver amount: \$70
3rd Offense: \$250 fine. Waiver amount: \$225

• Engaging in racing:

1st Offense: \$50 fine. Waiver amount: \$35
2nd Offense: \$100 fine. Waiver amount: \$70
3rd Offense: \$250 fine. Waiver amount: \$225

For any of the above offenses, an 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.

The penalties and waiver amounts for the following violations are as set by the State of Vermont pursuant to 23 V.S.A. § 3207 and posted by the Judicial Bureau:

- Operation on a highway that is maintained during the snow season but that has not been opened for use by the Selectboard. 23 V.S.A. § 3206(b)(2)
- Operation within a public burial ground. 23 V.S.A. § 3206(b)(13)
- Operation on a sidewalk that has not been opened for travel by the Selectboard. 23 V.S.A. § 3206(b)(15)
- Operation of snowmobile in unreasonable manner including but not limited to operating a snowmobile at a speed greater than is reasonable and prudent under the conditions. 23 V.S.A. § 3206(17).

SECTION 11. ENFORCEMENT. The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have the authority to issue tickets and may be the appearing officer at any hearing.

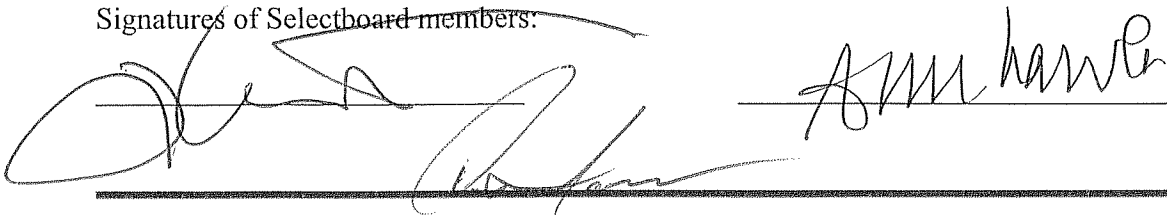
SECTION 12. OTHER LAWS. This Ordinance is in addition to all other ordinances of the Town of Wheelock and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 13. 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 14. EFFECTIVE DATE. This Ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

Date of adoption by the Selectboard: August 12, 2019

Signatures of Selectboard members:

The image shows three handwritten signatures in black ink, each written over a horizontal line. The signatures are cursive and vary in style. The first signature on the left is the most complex, the middle one is more fluid, and the one on the right is the most legible, appearing to read 'Ann Hawke'.

Ann Hawkers

[Signature]

9/9/2019

ADOPTION HISTORY:

1. Agenda item at regular/special Selectboard meeting held on July 8, 2019.
2. Read and approved at regular/special Selectboard meeting on August 12, 2019 and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on August 20, 2019.
4. Notice of adoption published in the Caledonian Record newspaper on August 23, 2019 with a notice of the right to petition.
5. Other actions [petitions, etc.]