

**TOWN OF BERLIN
SNOWMOBILE ORDINANCE**

SECTION 1. AUTHORITY. This civil ordinance is adopted by the Selectboard of the Town of Berlin 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.

SECTION 5. TOWN HIGHWAYS OPENED.

This ordinance is to allow snowmobile travel on the following section of a Town Class III highway: **"Crosstown Road between "Pond Road" immediately opposite Shed Road proceeding in a westerly direction, ending at the junction of Paine Turnpike South and Crosstown Road or in the reverse direction between the points referenced above. This will allow passage under the route I-89 overpass.** No other Town Highways are included within this ordinance.

SECTION 6. HOURS OF OPERATION

The Town Highway may be accessed between the hours of 7 a.m. to 10 p.m.

SECTION 7. 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.

SECTION 8. OTHER LAWS. This Ordinance is in addition to all other ordinances of the Town of Berlin 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 9. 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 10. 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: _____

Signatures of Selectboard members:

ADOPTION HISTORY:

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