

Town of Charleston
Selectboard Resolution on ATV use of Town Highways
as approved March 25, 2021

At their March 25, 2021 regular meeting, the Charleston Selectboard voted to:

I: Open the following roads for ATV use: Fontaine Road, Dane Hill Road, Gay Hill Road, Chilafoux Road from Dane Hill Road to the Brownington Town Line, and Durgin Rd from VT 105 to the Morgan Town Line from 8:00 am to 9:00 pm effective annually from May 15th to October 1st, with all vehicles/operators subject to the following requirements:

II: “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 shall not include an electric personal assistive mobility device.

III: All ATVs must be registered, equipped and operated according to the requirements of 23 V.S.A. Chapter 31, and must have VT state registration, liability insurance, and VASA membership and carry proof of the same.

ATV operators must have a valid driver’s license in order to operate an ATV on Town Highways. ATV operators and passengers must wear a US Department of Transportation (DOT) approved helmet (unless operating an ATV/UTV equipped with seat belts.)

ATVs must be equipped with: (1) At least one headlight and 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 arrestor 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)).

ATVs must operate in single file, as far to the right as possible, with headlights on and adhere to a 35-mph speed limit. ATVs are not permitted on any legal trail per the town’s legal trail policy.

Operators of ATVs shall yield the right of way to all other motor vehicles, pedestrians and other users of Town Highways and shall stay on posted trails.

Operators of ATVs shall be liable for damages to Town Highways or other town property caused by the operation of an ATV in violation of this resolution.

Nothing contained in this resolution shall authorize or create any cause of action to accrue or to be maintained against the town of Charleston, and the town accepts no liability for the operation of ATVs on town highways

* A resolution passed 6/25/2020 approved a one-season trial and included only the portion of Chilafoux Rd between Dane Hill and Gay Hill Roads. On July 9, 2020, it was amended to include Chilafoux from Dane Hill Rd to the Brownington Town Line. On March 25, 2021, the resolution was amended to include Durgin Rd to the Morgan town line, and to be effective on an annual basis.