

WESTFORD CLASS 4 ROAD ORDINANCE

SECTION 1. AUTHORITY. This is a civil ordinance adopted under authority of 24 V.S.A. §§1971-1976, and 2291(14), and 19 V.S.A. §304.

SECTION 2. DEFINITION. Class 4 highways are all other highways not falling under definitions of class 1, 2 and 3 highways. Class 1, 2, and 3 are defined for the purpose of receiving state aid and are passable with a pleasure vehicle on a year-round basis.

SECTION 3. EXISTING USE. Existing rights-of-way of Class 4 highways as of the date of adoption of this ordinance shall be retained by the Town for purposes of recreational multi-use activities, access to private property and agricultural and forest management.

SECTION 4. MAINTENANCE.

1. Under this ordinance Class 4 roads are divided further into two classes:
 - a. Class 4-A: Those roads with full time permanent residents or regular winter use. These roads will receive year round maintenance.
 - b. Class 4-B: All Class 4 roads not included in Class 4-A. This class will receive minimal maintenance as required by State Statute or as deemed necessary by the Selectboard. Maintenance by private parties shall be only with the permission of the Selectboard.
2. Permission for repair, maintenance, improvement, or restoration shall not be unreasonably withheld by the Selectboard. The road shall be left in as good or better condition as when permission is granted.
3. The Town shall not provide any winter maintenance on Class 4-B roads. Plowing by private parties shall be only with the permission of the Selectboard.
4. Any winter plowing of a Class 4 road allowed by Selectboard to parties other than a municipality shall not nullify the privileges under 23 V.S.A. §3206(b)(2).
5. A list of all town roads which are in whole or in part of Class 4 status is attached to this ordinance.

SECTION 5. CONTROL. The Selectboard shall exercise control of Class 4 roads to ensure their integrity as a public right-of-way by means which may include, but are not limited to, the following:

1. Establishment of vehicle weight limits.

2. Prohibition or restriction of wheeled vehicle use during mud and snow season; signs and barriers may be utilized to accomplish this purpose.
3. Requirements for temporary permit for heavy equipment access may be imposed and the stipulation included that any highway damaged will be repaired by or at the expense of the user; posting of bond or other security to guarantee that repairs are made may be required as a condition of any permits.
4. Speed limits may be established.
5. Limitations on plowing.

SECTION 6. CHANGE IN CLASSIFICATION. Class 4 roads may be reclassified to trail status, discontinued, or upgraded to Class 3 or higher status. Reclassification will be done in accordance with 19 V.S.A. §§708-714 and upon findings by the Selectboard that the public good, necessity and convenience of the inhabitants of the municipality require the reclassification, that the public interests will be substantially advanced by such change in status and that reasonable measures are taken to replace, substitute, or avoid the loss of public and commercial travel, intrinsic aesthetic and recreational value, or other public interests afforded by the existing Class 4 road.

At a minimum, no Class 4 road may be upgraded in status or discontinued without the permission of the Selectboard. The Selectboard may provide for an alternative travel easement or right-of-way replacing the travel route upgraded or discontinued to ensure that users and landowners have uninterrupted access.

SECTION 7. LAYING OUT OR REDESIGNATION OF TOWN ROADS. The town policy for laying out new town roads or re-designation to improve service is that, after receiving the Selectboard's approval, the landowner(s) is (are) responsible for the cost of required road improvements and/or purchase of rights-of-way. Town assistance will be limited to final grading or other equipment assistance at the Selectboard's discretion.

The following standards apply for Class 4 roads to be laid out or re-designated after the effective date of this ordinance:

1. Class 4-A: Vermont Department of Highway Standard A-76 modified to include at least 15 inches of gravel and 18 inches over ledge.
2. Class 4-B: Provide at least a 3 rod right of way (49.5 feet) by deed.

SECTION 8. NEW STRUCTURES. New structures on lots fronting on a Class 4 road are subject to the requirements of applicable town ordinances, codes and regulations.

SECTION 9. RIGHT-OF-WAY ACCESS. Pursuant to 19 V.S.A. §1111 the Selectboard shall control access into the road right-of-way for the installation or repair of utilities and for access of driveways, entrances, and approaches.

Notwithstanding the above, nothing herein shall be deemed to negate or repeal the effect of any provision of the Town Code or its Articles relating to permit requirements for working in or adjacent to road rights-of-way.

SECTION 10. OVERWEIGHT VEHICLES. Pursuant to 23 V.S.A., Chapter 13, Subchapter 15, vehicular use of highways and bridges is subject to limitation and regulation regarding gross vehicle weights, tire and axle weights, and overall length and width.

Written approval of the Selectboard, or its authorized agent, may be granted for use or travel over highways and by and between the Selectboard and applicant for compensation for wear and tear on highways anticipated or caused by use of highways in excess of the legal weight and size limitations. Vehicles used for agricultural or forest management shall not be held to a higher standard than other vehicles.

SECTION 11. POSTING. No highway of any class may be intentionally closed by a gate or other obstruction except upon approval of the Selectboard. 19 V.S.A. §1105. The Selectboard may post a road in accordance with 19 V.S.A., §1110. The Selectboard may post a highway for the purposes of preserving the integrity of the road. 19 V.S.A. §304.

SECTION 12. ENFORCEMENT.

1. Notwithstanding any other provision of law, including Title 19 of the Vermont Statutes Annotated, any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$500 per day for each day that such violation continues. The Road Foreman or the Selectboard's designee shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Judicial Bureau a municipal complaint. The Road Foreman or the Selectboard's designee shall issue a written warning for a violation of this Ordinance before issuing a municipal complaint for a first offense of this Ordinance in any calendar year.
2. Waiver Fee. An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pay the waiver fee:

First offense:	\$50
Second offense:	\$100
Third offense:	\$150
Fourth offense:	\$250

Offenses shall be cumulative within a 24-month period and not limited to a calendar year.

3. Civil Penalties. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation, and each day the violation continues shall constitute a separate violation:

First offense:	\$100
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Second offense: \$200
Third offense: \$300
Fourth offense: \$500

Offenses shall be cumulative within a 24-month period and not limited to a calendar year.

4. Other Relief. In addition to the enforcement procedures available before the Judicial Bureau, the Selectboard, Road Foreman or the Selectboard's designee are authorized to commence a civil action to obtain injunctive and other appropriate relieve, to request revocation of a permit, approval or license by the Selectboard, Road Foreman or the Selectboard's designee or to pursue any other remedy authorized by law.

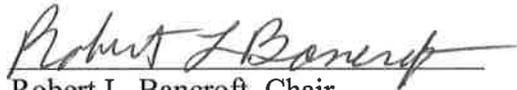
SECTION 13. COMPLIANCE WITH OTHER REGULATIONS. This ordinance is written to establish and clarify standards of construction and the authority of the Selectboard and its agents.

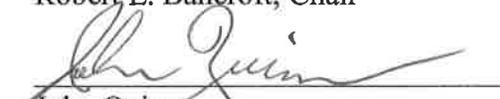
SECTION 14. SEVERABILITY. If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

SECTION 15. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Westford Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the effective date of this ordinance.

Adopted this 22nd day of September 2011. Effective date: November 21, 2011.

WESTFORD SELECTBOARD

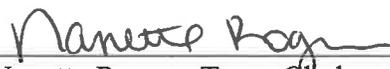

Robert L. Bancroft, Chair


John Quinn


Ira Allen

Received for Record

September 23, 2011 at 8:30am

Attest: 
Nanette Rogers, Town Clerk