

USE OF TRAILS ORDINANCE NO. 1

SECTION 1. AUTHORITY. This is a civil ordinance adopted under authority of 24 V.S.A. §§ 1971 and 2291(14), and 19 V.S.A. §304(5).

SECTION 2. PURPOSE. The purpose of this ordinance is to protect public safety, and prevent environmental damage and pollution caused by vehicular traffic on trails. Such damage and pollution are hereby deemed to be a public nuisance. It is a further purpose of this ordinance to protect trails from damage and obstruction so they remain open for public use.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following definitions shall apply:

- a. *Motor Vehicle* shall include all vehicles propelled or drawn by power other than muscular power, except tractors used entirely for work on the farm, vehicles running only upon stationary rails or tracks, motorized highway building equipment, road making applicants, snowmobiles, all terrain vehicles as defined in 23 V.S.A. §3501 or electric personal assistive mobility devices.
- b. *Operate, operating or operated* as applied to motor vehicles shall include *drive, driving and driven* and shall also include an attempt to operate, and shall be construed to cover all matters and things connected with the presence and use of motor vehicles, whether they be in motion or at rest.
- c. *Owner* shall include any person, corporation, co-partnership or association, holding legal title to a motor vehicle, or having exclusive right to the use or control thereof.
- d. *Trails* shall mean all Trails within the meaning of 19 V.S.A. §301(8) in the Town of Westford.

SECTION 4. ACTIVITY PROHIBITED.

- a. The operation of a motor vehicle is prohibited on all Trails unless the operator of the vehicle has a valid permit issued by the Westford Selectboard.
- b. No person shall place or cause to be placed an obstruction or encroachment in a Trail, so as to hinder or prevent public travel, or to injure or impede persons traveling of a trail.
- c. No person shall use any part of a Trail as an overnight camping area for the purpose of overnight camping.
- d. No person shall wantonly or willfully injure a Trail or any of its components by destroying or removing stones or Town-placed improvements or by digging pits for gravel, clay or for other purpose.
- e. No person shall injure a Trail by obstructing or diverting a stream, watercourse or sluice, or by dragging logs or timber or any other objects on the Trail surface.

SECTION 5. PERMITS.

- a. Permits shall be issued only to residents of or persons owning property abutting Trails or their branches or to persons who, in the judgment of the Selectboard, have been found to have a legitimate need to operate a motor vehicle on a Trail.
- b. The only acceptable permit shall be one entitled "TOWN OF WESTFORD PERMIT TO OPERATE A MOTOR VEHICLE ON THE *NAMED* TRAIL" and signed by the members of the Westford Selectboard. One copy of the permit shall be issued to the permittee and one copy shall be filed with the Westford Town Clerk.
- c. Permits shall be valid for residents and property owners so long as they continue to be residents or property owners. All other permits shall be renewed annually.

SECTION 6. PERMITS FOR WORK WITHIN TRAILS

- a. No person shall commence any activity described in section b. below without first obtaining a permit from the Westford Selectboard.
- b. Permits shall be required for the following activities:
 1. Develop, construct, regrade or resurface any driveway, entrance, or approach, or build a fence or building, or deposit material of any kind within, or to in any way affect the grade of a Trail right-of-way, or obstruct a ditch, culvert or drainage course that drains a Trail, or fill or grade the land adjacent to a Trail so as to divert the flow of water onto the Trail right-of-way;
 2. Dig up or excavate a trench in a Trail for the purpose of installing pipes or wires; and
 3. Install private sewer or water lines in a Trail right-of-way.
- c. The Selectboard shall not grant a requested permit unless it determines that the proposed activity will not interfere with public use of the Trail or create a condition that poses a threat to the safety of those using the Trail. The Selectboard may include in any permit reasonable conditions to protect the safe use of the Trail by the public. The Selectboard may also condition upon approval of a permit on the permittee reimbursing the Town for its reasonable costs in monitoring performance of the work authorized by the permit.

SECTION 7. PENALTIES, COSTS AND REMEDIES.

- a. Any person who operates a motor vehicle on Trails or who allows another person to operate their motor vehicle on Trails without a permit shall be fined \$50.00, with a waiver fee of \$35.00. If the owner and the operator of a vehicle being operated without a permit are not the same person, the owner and the operator shall each be liable for the fine of \$50.00 or the waiver fee of \$35.00.

- b. Any person who violates Sections 4.b-e and Section 6.a of this Ordinance shall be fined \$50.00, with a waiver fee of \$35.00. Each day that such violation continues shall constitute a new violation, subject to a new fine.
- c. In addition to any penalties imposed for violation of this Ordinance, any person who causes damage to or unlawfully installs improvements within any Trail right-of-way shall be responsible for the cost of restoring the Trail to its condition prior to the damage.
- d. The penalties and costs recoverable by the Town under this Ordinance are in addition to any remedies, including penalties, costs and other relief available to the Town under State law.

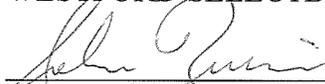
SECTION 8. ENFORCEMENT OFFICERS. Enforcement shall be performed by any officer of the Chittenden County Sheriff's Department or by any other Vermont law enforcement officer.

SECTION 9. 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.

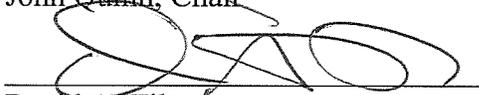
SECTION 10. EFFECTIVE DATE: This ordinance shall become effective 60 days after its adoption by the Westford Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 27 day of August 2009. Effective date: October 26, 2009.

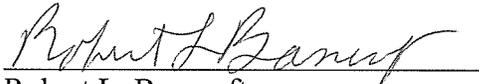
WESTFORD SELECTBOARD



John Quinn, Chair

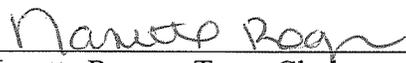


David A. Tilton



Robert L. Bancroft

Received for Record
August 28th, 2009 at 8:30 a.m.

Attest: 

Nanette Rogers, Town Clerk