

TOWN OF WORCESTER
PERMITTED USE OF TRAIL RIGHT-OF-WAY ORDINANCE

SECTION 1. AUTHORITY. This is a civil ordinance adopted under authority of 24 V.S.A. §§ 1971, 2291(14), 2291(15) and 19 V.S.A. §304(5), and 1105.

SECTION 2. PURPOSE. The purpose of this ordinance is to protect and promote the safety of the traveling public, protect the public interest and investment in existing trail infrastructure, and prevent environmental and property damage and pollution caused by unauthorized work on or use of the trail right-of-way. Such unauthorized work, and the damage and pollution resulting therefrom, are hereby deemed to be a public nuisance.

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

- a. *Legal Trails* shall mean all trails within the meaning of 19 V.S.A. § 301(8) in the Town of Worcester, including, without limitation, Eagle Ledge Trail and Shepard Hill Trail.
- b. *Person* shall be defined as set forth in 1 V.S.A. § 128.
- c. *Use and Work* shall include any and all excavating, filling, earthwork, digging or depositing materials within the right-of-way limits of a Legal Trail, as well as any of those activities identified in 19 V.S.A. § 1111(b) that are prohibited in a town highway right-of-way without a written permit first being issued by the legislative body. For the purpose of clarity, Use and Work do not include the act of driving or traveling on a Legal Trail.

SECTION 4. ACTIVITY PROHIBITED. It shall be unlawful for any Person to Use or Work within or on any portion of the right-of-way of a Legal Trail in the Town of Worcester without first obtaining a written permit from the Worcester Selectboard, or its designee, authorizing such Use or Work within or on the right-of-way.

SECTION 5. PERMITS. In the same manner and to the same extent that 19 V.S.A. § 1111 requires a written permit to use any part of a public highway right-of-way, a written permit must be obtained by any Person wishing to Use or Work on a Legal Trail right-of-way in the Town. As applicable, the terms, conditions, authorizations, prohibitions and requirements of 19 V.S.A. § 1111 pertaining to the use of the highway right-of-way shall apply with equal force to the Use of the right-of-way of a Legal Trail in the Town of Worcester. Without limitation, the Town may, as a permit condition, also require that the Person enter into a License Agreement for any Use, Work, structure or improvement within the right-of-way of a Legal Trail.

SECTION 6. PENALTIES; ENFORCEMENT. Any Person who Uses or Works on a Legal Trail without first obtaining noa permit as provided herein shall be fined \$500.00, with a waiver fee of \$250.00. Every day that the unpermitted activity continues shall constitute a new violation. In addition to the imposition of civil penalties hereunder, the Town may commence a

civil action in the Vermont Superior Court, Civil Division, to enforce this ordinance, including to obtain injunctive or other appropriate relief, and may pursue any other remedy provided by law.

SECTION 7. ENFORCEMENT OFFICERS. Enforcement may be performed by any officer of the Washington County Sheriff’s Department, by any other Vermont law enforcement officer, or by any other person designated by the Worcester Selectboard as an issuing municipal official.

SECTION 8. 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 9. EFFECTIVE DATE: This ordinance shall become effective 60 days after its adoption by the Worcester Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this ____ day of _____ 2022. Effective date: _____.

WORCESTER SELECTBOARD

Roger Strobridge, Chair

John Kaeding

Carter Stowell

Received for Record
_____, 202__ at _____

Attest: _____
Jennifer LeStat, Town Clerk

