

## PERMITTED USE OF TRAIL RIGHT-OF-WAY ORDINANCE

#050123A

**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 travelling 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 travelling 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 a 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.

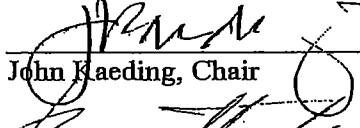
**SECTION 7. ENFORCEMENT OFFICERS.** Enforcement may be performed by any officer of the Washington County Sheriff's Department, by any other Vermont law enforcement officer, or by any other person designated by the Worcester Selectboard as an issuing municipal official.

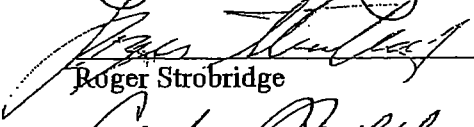
**SECTION 8. SEVERABILITY.** If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

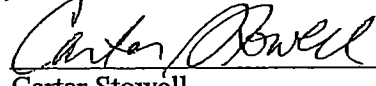
**SECTION 9. EFFECTIVE DATE:** This ordinance shall become effective 60 days after its adoption by the Worcester Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 15 day of May 2023. Effective date: July 14, 2023

WORCESTER SELECTBOARD

  
John Kaeding, Chair

  
Roger Strobbridge

  
Carter Stowell

Attest:

  
Jennifer LeStat

5/15/23  
Date

I hereby certify that the foregoing ordinance was posted in (5) public places in the town of Worcester on the 16th day of May, A.D. 2022, to wit: Town Clerk's office, Town hall, LBJ's, Post Office Cafe and the USPS, Worcester. And was published in the *Times Argus*, a newspaper having general circulation in the town of Worcester on the 18th day of May, A.D. 2023 and was recorded in the Ordinance Records of the Town of Worcester on the 16th day of May, A.A. 2023.

Attest:

  
Jennifer LeStat, Town Clerk

Adopted by the Worcester Selectboard on May 15<sup>th</sup> 2023

Handwritten signatures:  
\_\_\_\_\_  
\_\_\_\_\_  
Carter Powell

### Adoption History

1. Agenda item at a Selectboard meeting held on 12/19/22 Volume 12 Page 75  
04/03/23 Volume 12 Pg 100      01/03/23 Volume 12 Page 77  
04/17/23 Volume 12 Pg 102      02/20/23 Volume 12 Page 82  
    02/03/23 Volume 12 Page 91  
    03/20/23 Volume 12 Pg 104  
    04/24/23 Volume 12 Pg 102

2. Read and approved at regular Selectboard meeting on May 15<sup>th</sup> 2023 and entered in the minutes of that meeting which were approved on

May 24<sup>th</sup> 2023

3. Posted in 5 public places on May 17<sup>th</sup> 2023

Website of Town Clerk's, Town Hall, Post Office, US Post office and LBJ's Worcester

4. A notice of adoption published in the Times Argus newspaper on May 18<sup>th</sup> 2023, with a notice of the right to petition.

5. Effective date: July 14<sup>th</sup> 2023 Volume 12 Page 111-113

6. Ordinance # and Name: Right-of-Way Trail Ordinance #050123

NOTICE OF ADOPTION  
TOWN OF WORCESTER  
SUMMARY OF PERMITTED USE OF TRAIL RIGHT-OF-WAY ORDINANCE

Notice is hereby given that the Selectboard of the town of Worcester, at a regularly scheduled meeting held on MAY 15, 2023, duly adopted a Trail Right\_of\_Way Ordinance for roads for the town of Worcester, Vermont. The purpose of the ordinance is to protect public health and safety.

The ordinance addresses the following topics: authority, purposes, work within the ROW of legal trails, obtaining permits, enforcement officials, severability and effective date.

The full text of the ordinance maybe be examined at the Town Office or on the Town Of Worcester web page [www.worcestervt.org/town-government/selectboard](http://www.worcestervt.org/town-government/selectboard). Questions concerning it may be addressed to Selectperson, John Kaeding, 20 Worcester Village Road, Worcester, VT 05682.

The Trail Right\_of\_Way Ordinance on Town Roads will become effective on July 14, 2023. Unless a petition signed by at least five percent of the qualified voters of the Town of Worcester requesting a vote on the Ordinance is submitted to the Selectboard or the Clerk of the Town by June 28, 2023.