

**An Ordinance
Relating to Use of Trails
Town of Norwich**

1. AUTHORITY.

This is a civil ordinance adopted under authority of 24 V.S.A. §1971, 24 V.S.A. §2291(14), 19 V.S.A. §304(5) and 19 V.S.A. §1105 by the Selectboard of the Town of Norwich

2. CIVIL ORDINANCE.

Any infraction of this ordinance will be considered a civil matter.

3. PURPOSE.

The purpose of this ordinance is to assist in the implementation of long range plans and objectives of the Town of Norwich, as set forth in Chapters 5 and 9 of the Norwich Town Plan, including the protection and preservation of scenic roads, trails, walkways, and natural areas and to prevent environmental damage and pollution caused by vehicular traffic on designated trails in Norwich. Such damage and pollution are hereby deemed to be a public nuisance. This ordinance regulates the place and manner of potentially destructive means of vehicle access over trail rights of way and others uses and maintenance of trail rights of way within the Town of Norwich. Information concerning the location of trail rights of way shall be available at the Norwich Clerk's Office.

4. DEFINITIONS

For purposes of this ordinance, the following definitions shall apply:

Motor Vehicle shall include all vehicles propelled or drawn by power other than muscular power, except tractors used entirely for work on the farm, snowmobiles, or implements of husbandry used entirely for work on the farm.

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.

Trail shall mean a legal Trail extending as designated by the Norwich Selectboard under 19 V.S.A. §775.

5. USE OF TRAIL RIGHTS OF WAY.

5.1 Trail rights of way may be used for hiking, walking, bicycling, cross-country skiing, snowmobiling, horseback riding and other similar activities all at the risk of the user.

5.2 The operation of a motor vehicle is prohibited on any Trail, as defined herein, unless the operator of the motor vehicle has a valid permit issued by the Norwich Selectboard.

5.3 No person may alter or injure the right of way of any Trail by obstructing or diverting a stream, water course or sluice, or by dragging logs or timber or any other objects within the right

of way or cutting brush or trees, or altering drainage or grades and slopes, or any other modifications within the Trail right of way without first having received a permit from the Selectboard.

5.4 The Selectboard may impose conditions and limitations upon any permit issued pursuant to this ordinance, including that the permit may be of temporary duration, that the applicant post a cash bond or equivalent for the benefit of the Town to secure the applicant's obligations as set forth pursuant to any portion of this ordinance and further that the frequency or intensity of the permitted use may be subject to a daily limitation or cap, in the discretion of the Selectboard.

5.5 The Selectboard may grant permission for the construction of a driveway, consistent with adopted standards, for access to property abutting a trail where a lot existed that met the requirements of the zoning ordinance on the date that the Selectboard made a decision to classify the right-of-way as a trail as defined in this ordinance and where there is no other reasonable access.

6. PERMITS

6.1 Permits for motor vehicle travel shall be only issued to residents of or persons owning property on the Trail for use by the resident, property owner or visitors to the resident or property owner or to persons who, in the judgment of the Selectboard, have been found to have a legitimate need to operate a motor vehicle on the Trail.

6.1.1 The Selectboard shall solicit the opinions of abutters to the trail and the Norwich Conservation Commission, who shall have 30 days to respond, prior to approving any permit application to operate a motor vehicle on a Trail.

6.1.2 Before issuing a permit to operate a motor vehicle on a Trail the Selectboard shall make findings that issuance of the permit will be in the public good, necessity and convenience of the inhabitants of Norwich.

6.2 Permits for repair, maintenance, improvement or restoration of any Trail right of way may be issued as needed when, in the judgment of the Selectboard, issuance of the permit will be in the public good, necessity and convenience of the inhabitants of Norwich.

6.3 General Permits may be issued consistent with the provisions of this ordinance.

6.4 Permits shall be valid for a term specified by the Selectboard.

7. PENALTY.

7.1 A person who places or causes to be placed an obstruction or encroachment in a public trail, so as to hinder or prevent public travel, or to injure or impede a person traveling on the trail, shall be fined not more than \$1,000.00 plus the actual costs of repairing the damage and a reasonable attorney's fee, to be recovered in a civil action in the name of the town.

7.2 The penalty for any other violation of this ordinance shall be a fine of \$50 for each offense. However, the police may, at their discretion, issue a written warning for a first offense.

8. ENFORCEMENT.

8.1 Payment of fines, waiver for non-contested offenses, and collection before the Traffic and Municipal Ordinance Bureau.

8.1.1 Any fine assessed pursuant to Section 7.2 of this ordinance shall be paid within 10 days of the issuance of a ticket. For a non-contested violation, a waiver of one half the assessed fine will be made if the fine is paid to the Treasurer, Town of Norwich, within 10 working days. Any fine not paid after this period may result in collection action through the Traffic and Municipal Ordinance Bureau, in respect of the full fine.

8.2 Injunctive relief and civil penalty collection in Superior Court.

8.2.1 Whenever the Selectboard believes that any person is in violation of the provisions of this ordinance, the Selectboard may bring an action in the name of the Town in a court of competent jurisdiction against the person to collect civil penalties as provided in Section 7 of this ordinance and to restrain by temporary or permanent injunction the occurrence, continuation or repetition of the violation. The court may issue temporary or permanent injunctions without bond, and any other relief as may be necessary and appropriate for abatement of any violation.

9. ENFORCEMENT OFFICERS

Enforcement shall be performed by any officer of the Norwich Police Department, or by any other Vermont law enforcement officer.

10. SEVERABILITY.

Any part or provision of this ordinance shall be considered severable, and the invalidity of any part or section will not be held to invalidate any other part or provision of this ordinance.

ADOPTED by the Norwich Selectboard on June 26, 2001.

Amended by the Norwich Selectboard on October 9, 2001.

For the Norwich Selectboard,

/s/Neil R. Fulton

Neil R. Fulton

Chair

Effective Date: December 8, 2001