

Chapter 81

STREETS, TRAILS AND SIDEWALKS

ARTICLE I

Road Specifications

§ 81-1. Compliance required for acceptance by Town.

Before acceptance by the Selectboard, a Highway (road) to be added to the Town Highway system will be designed, laid out, and built by the owner or developer in conformance with the following standards and requirements, along with the latest version of "Town Road and Bridge Standards, Town of Norwich, Vermont".

§ 81-2. Design and Construction.

Highway design shall comply with the Vermont Agency of Transportation Town Road and Bridge Standards, Vermont Agency of Transportation Standard Sheet Drawing A76 and traffic control devices shall comply with The Manual on Uniform Traffic Control Devices (MUTCD) and these specifications. Highway design shall be based on projected maximum average daily travel including future extensions and through travel and usage. The minimum roadway width shall be 20 feet. The current edition of the AASHTO reference, "A Policy on Geometric Design of Highways and Streets" (the "Green Book"), shall be used as a reference for geometric design.

Construction shall be done in compliance with the applicable sections of the Vermont Agency of Transportation's current version of its "Standard Specifications for Construction Book".

§ 81-3. Inspection.

Highway designs, cut and fill plans, gravel pit plans, surveys, layouts, right-of-way, road construction site, preparation and construction shall be inspected by the Town Manager or his designee. Professional engineering, surveying, and legal competence may be employed by the Town to provide inspection and counseling services to the Town as considered necessary in authorizing inspecting and accepting the construction or altering of highways.

§ 81-4. Right-of-way.

The right-of-way shall be three rods in width, with additional slope rights where necessary. The highway shall be built in the center of the right-of-way and shall be cleared to permit and facilitate snow removal and proper maintenance of drainage ditches, culverts, slopes and banks, accesses, turnouts and turnarounds, and other features of the highway. Dead and diseased trees, brush and stumps shall be removed. Clear cutting of all trees and other vegetation from the right-of-way shall be accomplished in consideration of erosion potential and the development of reasonable and good esthetic qualities of the highway. Road design and drawings shall reflect general clearing plan.

§ 81-5. Shoulders.

Shoulders shall extend at least two feet on each side of the highway and shall be pitched to prevent excessive erosion or unsafe conditions. Shoulders may be of dirt or gravel. Shoulders shall

be shaped to prevent damage by erosion at turnoffs, approaches, bridges, culverts, and intersections, as well as along the highway. There shall be a distance of six feet from the toe of shoulder to toe of slope.

§ 81-6. Highway subgrade and surface preparation.

Road widths shall be a minimum of 20 feet and shall conform to Vermont Agency of Transportation Standard Drawing A76, the Vermont Agency of Transportation Town Road and Bridge Standards and/or as specified in particular locations by the Town Manager in consideration of subsurface conditions, banks and slopes, grades, turnouts, accessways, and other highway features. Sharp rises or other obstructions to snow removal equipment operations shall be eliminated during highway construction and prior to acceptance. The highway shall have a minimum of 12 inches of thick processed gravel sub-base and an additional 3 inches (minimum) top course of crushed gravel. Paved roads shall have a minimum of 3 inches of ¾" Type II base mix with 1 ½ inches of ½" Type III surface mix.

§ 81-7. Drainage ditches.

Drainage ditches shall be provided where necessary and shall be constructed to prevent infiltration of water into the gravel subbase and to conduct storm drainage to waterways and absorption areas. Accordingly, drainage ditches adjacent to roads are normally to be at least six inches below the gravel subbase or 18 inches below finished grade to minimize spring break-up conditions. Ditches shall be shaped to prevent excessive erosion on both shoulder and right-of-way or bank sides of the ditch cross section and shall conform to Vermont Agency of Transportation Town Road and Bridge Standards.

§ 81-8. Culverts.

Culverts shall be installed during the construction of the highway and prior to highway subbase and surface preparation and placement. Backfill in excavations for culverts shall be compacted to prevent or minimize settling in surface, shoulders or slopes. Culverts shall be of adequate size to handle drainage areas and volumes involved. Culverts shall be at least 18 inches in diameter or sized for a rainfall event that has a 2% chance of being exceeded in any one year (50 year return frequency) whichever is greater. Driveway culverts shall be at least 15 inches in diameter. Culvert sections shall be properly joined and shall extend at least two feet beyond highway surface and shoulder width. Culverts shall be of PVC or similar strength non-corrosive material. Inlet and outlet ditches, boxes, and other protection necessary shall be provided to minimize erosion damage at culvert inlet or outlet areas, and to banks, slopes or ditches. Culverts on accessways, approaches, or driveways entering upon the highway, shall conform to these requirements and standards and shall be of adequate length to permit easy turning on or off the highway. Culvert elevations shall be kept as low as possible. Culverts over three feet in diameter shall conform to Vermont Agency of Transportation standards, specifications, designs and guidance on a case-by-case basis.

§ 81-9. Grades.

Highway grades shall not exceed 10%. Finished grades (transverse and longitudinal) shall be smoothed to eliminate sharp dips in traveled surface and, as may be necessary, to permit efficient snow removal and proper drainage.

§ 81-10. Alignment and curves.

Highways shall be aligned and constructed to provide visibility, curves and accesses required for safe travel and maintenance under both summer and winter conditions. Proper drainage shall be maintained on curves and bridge approaches.

§ 81-11. Bridges.

Bridge design and construction shall conform to State of Vermont Agency of Transportation standards, specifications, designs and guidance on a case-by-case basis.

§ 81-12. Turnarounds.

Turnarounds on dead end highways shall have a radius to accommodate properly emergency vehicles, equipment and vehicles using or servicing the road and area. Drainage should be provided to prevent impounding of water. Roadside features shall permit proper snow removal on turnarounds.

§ 81-13. Turnoffs.

Turnoffs with adequate elevation, surface, drainage ditches and culverts will be provided to permit safe passing under summer and winter conditions, and shall be dimensioned and constructed to enable effective and efficient snow removal.

§ 81-14. Driveways and approaches.

Driveways and approach roads entering upon a public highway shall be constructed at a 90° angle to such highway, or shall be provided with a surfaced area of sufficient size to permit a vehicle entering the highway to enter at a 90° angle. Driveways shall be constructed with a dip or depression where the grade of the highway meets the grade of the shoulder of the approach road. Guidance provided by State of Vermont Standard Sheet A-76 and B-71 should be followed. Culverts shall be installed if necessary and shall conform to standards for culverts stated above. Vegetation and trees shall be removed only as necessary to provide for visibility and safety. In general there shall be only one access point (driveway) per parcel unless waived by the Town Manager.

§ 81-15. Slopes and banks.

Vertical or sharp cut faces, excepting ledge, shall not be permitted. Slopes and banks shall be not greater than 1-on- 1 ½. Soil stability of bank shall be a design consideration, and slope or bank shall be designed and constructed to prevent instability, slides, washes, or other disturbance to the slope or bank surface or sub-surface. Banks shall not interfere with snow removal. After construction and final grading of banks, banks will be seeded to minimize surface erosion. Cribbing or rip rap shall be provided where necessary.

§ 81-16. Guard rails and posts.

Guardrails will be provided to meet essential traffic control and safety needs, and shall not interfere with snow removal. Normally, any highway with a slope or bank falling away on a steep slope (4:1 or steeper) from the road surface, and which is 10 feet or higher in elevation, shall be protected with a guardrail unless such requirement is waived by the Town Manager in approving the road plan and application. Guardrails shall also be provided to warn and protect traffic from ledge or other obstruction where necessary in consideration of traffic volume, road width, and safety. Guardrails types, installation and end caps shall comply with the State of Vermont Standard

specifications. W Beam guard rail is preferred.

§ 81-18. Application.

Application and accompanying technical data, designs and drawings shall be submitted to the Town Manager before road construction is started and before the road may be accepted. The Selectboard shall set a time for final inspection and shall hold public hearings before finally accepting any new road constructed in accordance with these standards and requirements in accordance with 12 V.S.A Chapter 7.

§ 81-19. Deed to Town.

If a road is accepted by the Town, the owner(s) of the property where it is built shall deed to the Town a three rod right-of-way, 1 and ½ rod each side of the center line, including slope rights if necessary; such deed to be a Vermont warranty deed free and clear of all encumbrances and properly supported by a survey showing roadway and right-of-way center lanes, driveways, utility lines (surface or sub-surface), and major road features, alignment and curves.

§ 81-20. Completion date.

Highways are to be completed by November 15 so that inspections and acceptance can be completed before winter. Any highway completed after November 15 will not be accepted until after June 1 the following year.

§ 81-21. Trial period.

If a highway is accepted and deeded to the Town it will be conditionally added to the Town's highway system. For a period of 12 months the grantors shall provide summer maintenance on the road and correct deficiencies which develop during this twelve-month period.

§ 81-22. Statutory authority.

This regulation is in furtherance and support of the proper accomplishment of responsibilities and the discharge of authority prescribed by 19 V.S.A. Chapter 7, "Laying Out, Discontinuing and Reclassifying Highways", and 24 V.S.A. Chapter 117, "Municipal and Regional Planning and Development."

ARTICLE II
Scenic Roads

§ 81-23. Advertising in publications; Town reporting.

No road in Norwich which has been designated as a scenic road may be described as a "Scenic Road" (or similar description) in any State or local publication available for sale or free distribution to the general public, nor indicated on any published map. The Town, however, will comply with any State statutory requirements for reporting.

§ 81-24. Maintenance.

Maintenance of scenic roads is allowed, and the following specific routine maintenance activities are permitted:

- A. Winter maintenance:
 - (1) Plowing.
 - (2) Sanding.
 - (3) Salt/de-icing material application.
 - (4) Winging back snow banks.
 - (5) Ditch clearing.
 - (6) Culvert thawing.
 - (7) Ice removal by mechanical means.
- B. Road surface maintenance:
 - (1) Grading as necessary.
 - (2) Application of gravel and stone to meet the requirements of the Town highway ordinance.
 - (3) Application of dust control materials.
 - (4) Resurfacing of paved portions.
- C. Drainage.
 - (1) Maintaining existing culverts and bridges and add new culverts.
 - (2) Maintaining ditches.
 - (a) Maintaining ditches to a depth of 18 inches to 24 inches below the road surface or as required.
 - (b) Clearing vegetation and regrading shoulder and backslope as needed to the limits of the right-of-way.
 - (c) Installation of stone or other materials to control erosion consistent with the Vermont Agency of Transportation Town Road and Bridge Standards

- D. Road signs. Regulatory traffic control signs as authorized by the Selectboard shall be in accordance with the Manual of Uniform Traffic Control Devices.
- E. Right-of-way.
 - (1) Removal of dead trees.
 - (2) Clearing of brush and vegetation.
 - (3) Removal of trees and brush which infringe on the ability to maintain the road or that significantly blocks the line of sight on curves or intersections.

§ 81-25. Identification; nominations.

Each road or section of a road designated as a scenic road will be identified by its starting and finishing points. Each road will be separately nominated by an action of the Selectboard of Norwich.

§ 81-26. Hearing required prior to disturbance.

Any disturbance of a scenic road by construction or cutting trees or any other means, apart from those allowed by this ordinance shall be performed only after a duly warned public hearing.

ARTICLE III
Trails

§ 81-27. 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(a)(5) and 19 V.S.A. § 1105 by the Selectboard of the Town of Norwich.

§ 81-28. Civil ordinance.

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

§ 81-29. 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 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.

§ 81-30. Definitions.

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

MOTOR VEHICLE — Includes 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 — A legal Trail extending as designated by the Norwich Selectboard under 19 V.S.A. § 775.

§ 81-31. Use of trail rights-of-way.

- A. 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.
- B. 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 Town Manager.
- C. No person may alter or injure the right-of-way of any Trail by obstructing or diverting a stream, watercourse 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 Town Manager.
- D. The Town Manager may impose conditions and limitations upon any permit issued pursu-

ant 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 Town Manager.

- E. The Town Manager 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. [Amended 10-9-2001]

§ 81-32. Permits.

- A. 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 Town Manager, have been found to have a legitimate need to operate a motor vehicle on the Trail.
 - (1) The Town Manager 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.
 - (2) Before issuing a permit to operate a motor vehicle on a Trail the Town Manager shall make findings that issuance of the permit will be in the public good, necessity and convenience of the inhabitants of Norwich.
- B. 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.
- C. General Permits may be issued consistent with the provisions of this ordinance.
- D. Permits shall be valid for a term specified by the Selectboard.

§ 81-33. Penalty.

- A. 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 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.
- B. 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.

§ 81-34. Enforcement.

- A. Payment of fines, waiver for non-contested offenses, and collection before the Traffic and Municipal Ordinance Bureau. Any fine assessed pursuant to § 81-33B of this article shall be paid within 10 days of the issuance of a ticket. For a non-contested violation, a waiver

of 1/2 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.

- B. Injunctive relief and civil penalty collection in Superior Court. 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 § 81-33 of this article 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.

§ 81-35. Enforcement officers.

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