

RICHMOND SELECTBOARD
Approved + Signed
9/8/09
RECORDED
11/9/09

**TOWN OF RICHMOND
ORDINANCE GOVERNING USE OF
SNIPE IRELAND TRAIL**

THE SELECTBOARD OF THE TOWN OF RICHMOND HEREBY ORDAINS:

SECTION 1. AUTHORITY. This is a civil ordinance adopted under authority of 19 V.S.A. 304(5), 24 V.S.A. 2291(14), Sections 112-114 of the Richmond Town Charter, and 24 V.S.A. 1971.

SECTION 2. PURPOSE. The purpose of this ordinance is to prevent environmental damage and pollution caused by vehicular traffic and other activities on Snipe Ireland Trail. The operation of a motor vehicle on Snipe Ireland Trail in violation of this Ordinance, and other conduct prohibited by this Ordinance, are hereby deemed to constitute public nuisances.

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

a. *Motor Vehicle* shall include all vehicles, tractors, implements, and equipment propelled or drawn by power other than muscular power, including but not limited to non-highway recreational vehicles or "all-terrain vehicles" ("ATVs"), so called, but excluding from the definition of "motor vehicle" are the following: tractors and vehicles used solely for work on forestland or in maple sugaring operations, electric utility maintenance equipment, motorized highway and trail building and maintenance equipment, snowmobiles (but only when operated over adequate snow cover), implements of husbandry, Town of Richmond maintenance vehicles and equipment and vehicles used by persons in connection with private right of way rights pursuant to 19 V.S.A. § 717(c).

b. *Operate, operating and 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 are 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. *Snipe Ireland Trail and trail* shall mean the town trail extending from the town line between Richmond and Jericho, identified by a stone monument with "TL" carved into it, and proceeding southerly in Richmond for approximately 947 feet to the northerly edge of the driveway of property now or formerly owned by John G. Fletcher, III.

e. *Selectboard* shall mean the Town of Richmond Selectboard.

SECTION 4. MOTOR VEHICLE OPERATION PROHIBITED. The operation of a motor vehicle is prohibited on the Snipe Ireland Trail (i) unless the operator of the

vehicle has a valid permit issued by the Richmond Selectboard, and (ii) unless the motor vehicle is being operated in accordance with any limitations in the permit.

SECTION 5. PERMITS, OTHER ACTIVITIES PROHIBITED.

a. Permits may be issued to persons who, in the judgment of the Selectboard, have a legitimate non-recreational need to operate a motor vehicle on the trail. To protect the trail, the Selectboard may include in any permit, limitations to specific uses and types of motor vehicles, and seasonal and other use limitations.

b. The only acceptable permit shall be one entitled "TOWN OF RICHMOND PERMIT TO OPERATE A MOTOR VEHICLE ON THE SNIPE IRELAND TRAIL" and signed by the Richmond Selectboard or its designee. There shall be two classes of permits: permits issued to residents abutting or persons owning property on the trail, and persons who are not residents abutting or owning property on the trail. The Selectboard may from time to time establish reasonable fees for issuance of permits. One copy of the permit shall be issued to the permittee and one copy shall be filed with the Richmond Town Clerk.

c. The Selectboard shall solicit the opinions of abutters to the trail, the Richmond Trails Committee and the Richmond Conservation Commission, who shall all have 30 days to respond, prior to approving any permit application to operate a motor vehicle on the trail.

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

e. Stone walls within the Trail right of way shall not be damaged or removed.

f. Trees within the Trail right of way shall not be damaged or removed without written permission of the Town's Tree Warden. Notwithstanding the above, the Richmond Trails Committee or its designee may cut and or remove trees within the actual path within the trail on an as needed basis without the Town's Tree Warden approval.

g. Permits shall be valid for residents abutting and persons owning property on the trail so long as they continue to be abutting residents or property owners. All other permits shall expire at the end of the twelfth month following the month of permit issuance, or such earlier expiration date, if any, stated in the permit.

SECTION 6. PENALTIES. A person who operates a motor vehicle on the Snipe Ireland Trail without a permit or who allows another person to operate a motor vehicle on the trail without a permit, or who operates or allows another person to operate a motor vehicle on the trail in violation of permit limitations shall be fined \$50.00 for each offense, with a waiver penalty of \$35.00. If the owner and the operator of a vehicle being operated without a permit or in violation of the permit limitations are not the same person, the owner and the operator shall each be liable for the fine of \$50.00 or the waiver penalty of \$35.00. The Selectboard may, after hearing, revoke a permit if the permittee is in violation of the permit limitations, apply for injunctive relief in the courts, and resort to any other legal remedy.

SECTION 7. DAMAGE TO TRAIL. A person shall not (i) injure or damage the trail or any of its components, including but not limited to signs, bridges, or culverts, or (ii) remove planks, posts, timber, stones, dirt, trees, or vegetation from the trail, or (iii) alter any stream or watercourse crossing or within the trail, or (iv) drag logs or timber or other objects on the trail surface. A person who violates this Section 7 shall be fined \$50 for each offense, with a waiver penalty of \$35.00. The Selectboard may, after hearing, revoke a permit if the permittee is in violation of this section. Additionally, a person who violates this section shall pay the Town its costs of repair or restoration to the condition prior to the damage, to be recovered in a civil action in the name of the Town. The Town shall be entitled to its reasonable attorneys' fees incurred in prosecuting such civil action.

SECTION 8. ENFORCEMENT OFFICERS. Enforcement shall be performed by the Town of Richmond Police 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 Richmond Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Richmond Selectboard
By:

SEPT 8, 2009
Date

K. P. [Signature]
[Signature]
[Signature]
[Signature]
Signatures

RICHMOND, VT TOWN CLERK'S OFFICE
Received for record
November 9 A.D. 2009
At 8 o'clock 00 minutes AM
and recorded in Book 3 Page 83-86
of Highway Records
Attest:
[Signature]
Town Clerk

23120

ADOPTION HISTORY:

1. Approved for publication of notice of public hearing and table of contents at Selectboard meeting held on August 3, 2009
2. Notice of Selectboard public hearing and table of contents published in the Burlington Free Press newspaper on August 14, 2009
3. Selectboard public hearing held on September 8, 2009
4. Adopted by Selectboard at Selectboard meeting on September 8, 2009
5. Effective 60 days after adoption or November 7, 2009, no petition for a vote on disapproval having been filed pursuant to 24 V.S.A. 1973 (if petition is filed, modify and recite further history of vote and results).

**TOWN OF RICHMOND
PERMIT TO OPERATE A MOTOR VEHICLE
ON SNIPE IRELAND TRAIL**

PURSUANT TO THE ORDINANCE GOVERNING USE OF SNIPE IRELAND TRAIL, the RICHMOND Selectboard hereby issues this permit to operate a motor vehicle (as defined in the Ordinance) on the Snipe Ireland Trail for the non-recreational purposes specified in Section C below to:

A. _____, a resident abutting or person owning property on the trail; such permit shall be valid so long as he/she is a resident abutting or person owning property on the trail; or

B. _____, a person who is not a resident abutting or person owning property on the trail.

C. Pursuant to Section 5 of the Ordinance, this permit is issued subject to the following limitations: _____

EXPIRATION DATE: _____, or the end of the twelfth month following the month of permit issuance, whichever is earlier. Example: A permit issued on November 6, 2009 would expire on the stated Expiration Date, or November 30, 2010, whichever is earlier. If no Expiration Date is stated, the expiration date would be November 30, 2010. Note: the foregoing is applicable only to a person who is not a resident abutting or person owning property on the trail. Pursuant to Section 5(g) of the Ordinance, a permit issued to a person who is a resident abutting or owning property on the trail shall be valid so long as the person continues to be an abutting resident or property owner.

Date of Issuance

for the Richmond Selectboard

Permit Fee: \$50.00 non-refundable application fee and \$50 fee if permit issued.
(These fees shall be assessed only to an applicant who is not a resident abutting or person owning property on the trail.)

Payable to the Town of Richmond; Submit Application to Richmond Selectboard, 203 Bridge Street, PO Box 285, Richmond, VT 05477

(The permittee may not transfer this permit.)