

TOWN OF GROTON CIVIL ORDINANCE

Regarding the Groton Railroad Bed and Town Parking Areas

1. AUTHORITY

This is a civil ordinance adopted consistent with or under the authority of 5 V.S.A. § 3425 and §3431; 12 V.S.A. 462; 24 V.S.A. §1971; 24 V.S.A. §2121; 24 V.S.A. § 2291(3)(4)(7)(14)(15)(26) and 19 V.S.A. §2307 re bicycle paths by the Town of Groton by and through its selectboard.

2. PURPOSE

The purpose of this ordinance is to establish rules and regulations to govern the public use of the Groton Railroad Bed in order to preserve, protect, and maintain it as a multi-use, public recreational pathway and a place of natural beauty as well as to promote public safety in the use of this property. The bed shall not be considered a part of the town highway system. The Railroad Bed is intended to be a recreational pathway and will be maintained as such by the Town.

3. DEFINITIONS

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

A. Railroad Bed: The town property approximately 5 miles long, of varying width but generally at least 66 feet wide that extends from the Ryegate town line to the Groton State Forest railroad bed. A survey giving specific property dimensions is available at the Groton Town Hall. This property at one time was owned by the Montpelier and Wells River Railroad. Ownership passed to the Town of Groton from the State of Vermont in 1981. The state authorized use of the Railroad Bed as a snowmobile trail in 1976 and such use has continued to the present, most recently in accordance with permission forms issued to the Vermont Association of Snow Travelers, Inc. (VAST), the Caledonia County Snowmobile Club and Buckaroos of 302, the local snowmobile club.

B. Winter: As used in this Ordinance, winter shall be the period from December 15th to April 15th enhanced by such additional peripheral periods as may be established from time to time by notice posted by the selectboard consistent with actual snow fall and cover.

C. Public Use: Such use as is shared, enjoyed and utilized in common by and for the benefit of all persons and not just by one user for that person's particular needs or requirements.

4. RULES and REGULATIONS

A. Use, Winter and Otherwise: All wheeled or tracked motor vehicles are prohibited from use of the Railroad Bed during Winter except for snowmobiles and VAST grooming vehicles and other vehicles by specific written permission of the selectboard. Also, if the Railroad Bed conditions, usage or safety conditions warrant, especially during mud season,

vehicle use may be restricted or a portion of the Railroad Bed may be temporarily closed to vehicle use by notice posted by the selectboard. Emergency Service vehicles shall be permitted to use the Railroad Bed as appropriate and warranted. Pre-existing Winter crossing access is permitted for the following: Nathan Bartlett driveway crossing, Cindy & Lee Waterhouse driveway crossing, Jacob Frey driveway crossing, Dawn Pinette driveway crossing, and Robert Reid driveway crossing.

During any blockage of route 302 which is parallel, the railbed is not to be used as an alternate route by through traffic. This is to allow emergency service vehicles and highway department vehicles the ability to use the railbed to respond to emergencies during such times.

B. Parking is permitted, except in Winter, along the Railroad Bed so long as it does not block or unreasonably restrict movement along the traveled way. Overnight parking along the Railroad Bed is not permitted. Parking is also permitted in the village on Town property which is on the north side of Little Italy Road adjacent to Powder Spring Road. This area is maintained by the town and a sign will be posted to identify it as the Railroad Bed Parking area. It shall be unlawful to park in this municipal parking lot between the hours of midnight and 7:00 A.M. during the winter. It shall be unlawful to park at any time within any Town of Groton parking areas or land with the intent of over night camping without written permission from the Selectboard. It shall be unlawful to park within the Railroad Bed Parking area for a period of more than seven (7) days for any reason without written permission from the Town of Groton Selectboard.

Note: There are state parking areas at both ends of the Groton Railroad Bed: at the east end of the Railroad Bed at the Pine Mountain Wildlife Management Area on the Groton/Ryegate Town Line, and at the west end of the Railroad Bed at the corner of Route 232 and Ricker Mill Road where the Railroad Bed enters the State Forest.

C. ATVs are prohibited except when they are used for Railroad Bed maintenance.

D. Alterations and Modifications: Abutters and the public are not permitted to enhance or maintain or modify the Railroad Bed in any way unless specific, prior, written permission is obtained from the Selectboard. Such permission shall be limited in time and scope but renewable. Alterations include activities such as the cutting of trees or vegetation, applying fill, draining, grading or plowing. The current "Application for Access/Right of Way Permit" form may be used to gain permission for modifications. Consistent with the intent that it is intended to be a recreational pathway, the Railroad Bed shall be maintained as such by the Town.

The town will continue to look to formal organizations such as VAST and Cross Vermont Trail Association for assistance in maintaining the Railroad Bed under, and subject to, town supervision.

E. Trapping: The trapping of animals and the use of any trapping devices is prohibited except when trapping is done to protect the Railroad Bed (e.g. a blocked culvert). In such cases, authorization must be by the selectboard and warning signs must be posted.

F. Structures (including mailboxes) and signs of any type (including name or directional signs) are prohibited. Exceptions are town approved traffic control signs, VAST and Cross Vermont Trail signs, and Selectboard approved informational signs.

G. Speed Regulations: The speed limit over the length of the Railroad Bed shall be posted as fifteen (15) mph for all vehicles except in Winter as above defined. This speed limit will apply to town vehicles as well. The speed limit may be raised as warranted for different sections or areas by decision of and notice by the selectboard after due consideration of appropriate factors including safety, rail bed condition and times of the year. In the absence of any such decision, during Winter as defined above, the local, VAST affiliated, snowmobile club may raise the posted speed limit to twenty-five (25) mph within that section of the bed within Groton Village and to thirty-five (35) mph within the following sections of the bed: the section between Little Italy Road and the Ryegate town line and the section between Wilson Road and the State Forest. Furthermore the sections subject to the increase in the speed limit to thirty-five (35) mph shall be adjusted so as to be consistent with the snowmobile speed limits established from time to time for the adjoining state forest trails.

H. Right-of-way priorities: The VAST groomer, because of its size, shall have the right of way during the winter months. These vehicles are slow moving so negotiating passage with other permitted users should not be a problem. Otherwise pedestrians (including skiers and snowshoers) shall yield to horses; bicycles shall yield to horses and pedestrians; and snowmobiles shall yield to pedestrians, bicycles and horses. Vehicles with four wheels and up, except for emergency vehicles, shall have the lowest priority. Emergency vehicles shall have the highest priority.

I. Dumping: There shall be no dumping or disposal of any kind of garbage, trash or refuse on the Rail Bed or from the Rail Bed onto adjacent private property.

5. Penalties

A. Parking: Any parking violation shall result in a \$25.00 fine. Any vehicle continually or repeatedly parked in violation of the Parking provisions may be summarily removed at the owner's expense, by order of any law enforcement officer, road commissioner or selectperson.

B. Winter Violation: Any person who operates a wheeled or tracked motor vehicle on the Railroad Bed during the winter or who allows another person to operate such motor vehicle on the Railroad Bed shall be fined \$50.00 with a waiver fee of \$35.00. If the owner and the operator of a vehicle being operated are not the same person, the owner and operator shall each be liable for the fine of \$50.00 a waiver fee of \$35.00.

C. Speeding: The fine will be \$50.00 with a waiver fee of \$35.00 for each occurrence.

D. Alterations: Any person who enhances, maintains or modifies the Railroad Bed property in any way unless specific prior written permission is obtained from the Selectboard shall be fined \$50.00 with a waiver fee of \$35.00. Each day that such violation

continues shall constitute a new violation subject to a new fine. In addition, any person who causes damage to or unlawfully within the Railroad Bed shall be responsible for the cost of restoring the Railroad Bed to its condition prior to the damage. Penalties associated with damage to trees shall be determined in accordance with 13 V.S.A. Chapter 77.

E. Nuisance: Repeated violation of any provision(s) of this ordinance shall constitute a public nuisance subject to relief by injunction for the abatement of such violation(s).

F. Other: The penalty for any other violation of this ordinance shall be a fine of \$50 for each offense. However, the law enforcement officer consistent with the exercise of discretion may issue a written warning for a first offense.

G. Notice of Trespass: The select board may also proceed in accordance with 13 V.S.A. §3705 in order to protect the rail bed.

6. Enforcement

Enforcement shall be performed by the Groton Town Constable or by any officer of the Caledonian County Sheriff’s Department or by any other Vermont law enforcement officer.

7. References

A. A survey giving specific location and property dimensions of the Railroad Bed can be seen at the Groton Town Hall. Reference can also be made to the official town tax maps subject to appropriate correction thereof consistent with railroad valuation sheet plans and other reliable maps, plans or surveys of any area in question.

B. The deed transferring the Railroad Bed from the State of Vermont to the Town of Groton is recorded in Book 31 at Page 359 of the land records in the Groton Town Clerk’s office.

Effective Date

This ordinance shall become effective 60 days after the adoption date shown below.

Adoption Date: _____

Wade Johnson _____

Deborah Jurist _____

Aaron Smith _____