

Processes Relative to Groton RailBed

Process to Pass a Rail Bed Trail Ordinance (see 24 V.S.A. § 1972)

Suggest legal advice to determine Ordinance wording and procedure.

I think it is as follows:

Selectboard votes to adopt Ordinance. Wording goes into meeting minutes.

Ordinance must be posted in the newspaper within 14 days of adoption. Specific items and wording required. The ordinance must be posted at 5 locations within town.

Unless a petition is filed, the ordinance will be effective 60 days after adoption.

Process to Designate the Rail Bed a VTRANS Town Trail Summary

Either partition or selectboard decision initiates this process.

Board appoints a date & time for a hearing to inspect the premise and hear interested parties.

- a.) Gives 30 days notice of appointed time to interested parties and abutters. (suggest also VAST, CVT and ANR). Suggest saying that an initial definition of the trail is available at town hall.
- b.) Post a notice in town clerk's office and on website.
- c.) Publish notice in local newspaper at least 10 days prior to the hearing.

709: The notice shall be given by certified mail sent to the official residence of the person(s) required to be notified.

If the board decides to proceed and the ROW is undefined, a survey needs to be done. (Since Rail Bed Survey exists and is recorded, this is done.)

Within 60 days after the hearing, the board must document it's process (manner of notifying parties) any survey and its order to lay out the road/trail. This shall be recorded by the town clerk.

Chapter 059 : Adoption And Enforcement Of Ordinances And Rules

(Cite as: 24 V.S.A. § 1972)

§ 1972. Procedure

(a)(1) The legislative body of a municipality desiring to adopt an ordinance or rule may adopt it subject to the petition set forth in section 1973 of this title and shall cause it to be entered in the minutes of the municipality and posted in at least five conspicuous places within the municipality. The legislative body shall arrange for one formal publication of the ordinance or rule or a concise summary thereof in a newspaper circulating in the municipality on a day not more than 14 days following the date when the proposed provision is so adopted. Information included in the publication shall be the name of the municipality; the name of the municipality's website, if the municipality actively updates its website on a regular basis; the title or subject of the ordinance or rule; the name, telephone number, and mailing address of a municipal official designated to answer questions and receive comments on the proposal; and where the full text may be examined. The same notice shall explain citizens' rights to petition for a vote on the ordinance or rule at an annual or special meeting as provided in section 1973 of this title.

(2) Unless a petition is filed in accordance with section 1973 of this title, the ordinance or rule shall become effective 60 days after the date of its adoption, or at such time following the expiration of 60 days from the date of its adoption as is determined by the legislative body. If a petition is filed in accordance with section 1973 of this title, the taking effect of the ordinance or rule shall be governed by subsection 1973(e) of this title.

(b) All ordinances and rules adopted by a municipality shall be recorded in the records of the municipality.

(c) The procedure herein provided shall apply to the adoption of any ordinance or rule by a municipality unless another procedure is provided by charter, special law, or particular statute. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970; amended 1971, No. 14, § 11, eff. March 11, 1971; 1979, No. 180 (Adj. Sess.), § 1, eff. May 5, 1980; 2011, No. 155 (Adj. Sess.), § 7.)