

TOWN OF GROTON CIVIL ORDINANCE Regarding the Railroad Bed Town Property

1. AUTHORITY

This is a civil ordinance adopted under authority of 24 V.S.A. §1971 and 24 App. V.S.A. ch. 149, § 5 and by the Selectboard of the Town of Groton

2. CIVIL ORDINANCE

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

3. PURPOSE

The purpose of this ordinance is to establish and articulate the use and enforcement procedures for the property owned by the town of Groton known as the Railroad Bed in order to preserve, protect and maintain it as a public multi use recreational path.

4. DEFINITIONS

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

A. Railroad Bed or Rail Bed: the town property approximately 6 miles long and 3 rods wide which extends from the Ryegate Town Line to the Groton State Forest railroad bed. This at one time was owned by the Montpelier and Wells River Railroad. Ownership was received by the town of Groton from the State of Vermont.

B. Winter: For this Ordinance, it shall be assumed to be December 15th to April 15th.

C. Motor Vehicle shall include all vehicles propelled or drawn by power other than muscular power.

5. ACTIVITIES PROHIBITED

A. Winter Use: wheeled vehicles are prohibited from the Rail Bed from December 15th to April 15th other than VAST grooming vehicles and by specific written permission of the selectboard. Also if Rail Bed conditions and usage or safety warrants it, especially during mud season, vehicle use may be restricted or a portion of the Rail Bed may be temporarily closed to vehicle use. Emergency Service vehicles will use the Rail Bed as appropriate. Pre-existing winter crossing access is permitted for: Nathan Bartlett driveway crossing, Cindy & Lee Waterhouse driveway crossing, Jacob Frey driveway crossing, Dawn Pinette driveway crossing, Sarah Costello driveway access, and Robert Reid driveway crossing.

B. Parking is not permitted on the Rail Bed. There are existing parking areas at the east end of the Rail Bed at the Pine Mountain Wildlife Management Area, and at the west of the Rail Bed where the Rail Bed enters the State Forest. In addition, parking is permitted in the village on the 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 Rail Bed Parking. The regulations stated in the Groton Traffic Ordinance and Highway Ordinance Article VI apply to parking in this area and along the Rail Bed. As stated in that ordinance, "It shall be unlawful to park within any municipal parking lot between the hours of 12:00 P.M. and 7:00 A.M. from November 1st to April 30th."

C. ATVs are prohibited.

D. Alterations: Abutters and the public are not permitted to enhance or maintain or modify in any way the Rail Bed unless specific prior written permission is obtained from the Selectboard. This includes the cutting of trees or vegetation, or filling or creating drainage or grading or plowing. The current "Application for Access/Right of Way Permit" form may be used to gain permission for modifications. The Rail Bed is intended to be a recreational Rail Bed and will be maintained as such by the Town.

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

6. General Use Considerations

A. Speed Regulations: The following speed limits are established and will be posted between Powder Spring Road and Coal Kiln Road: For all vehicles and snowmobiles - 25 mph. This limit will be apply to town vehicles as well.

B. Right-of-way: 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 should not be a problem. Otherwise pedestrians (including skiers and snow shoers) shall have priority with Horses, bicycles and snowmobiles a lower priority since they are typically more mobile. Four wheeled vehicles have the lowest priority.

C. Dumping: It is illegal to dump any kind of garbage, trash or refuse on the Rail Bed or from the Rail Bed onto private property.

7. Penalties

A. Parking: Any parking violation shall result in a \$25.00 fine. Any vehicle

continually 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 selectman.

B. Winter Violation: Any person who operates a motor vehicle on the Rail Bed from December 15th to April 15th or who allows another person to operate their motor vehicle on the Rail 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 Rail 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 Rail Bed shall be responsible for the cost of restoring the Rail Bed to its condition prior to the damage.

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

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.

Effective Date

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

Adoption Date: _____

Mary Grant, Chair Person _____

Wade Johnson _____

Deborah Jurist _____

Process to Pass a Rail Bed Trail Ordinance (see § 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.