

# UNDERHILL TRAIL ORDINANCE

## TRAVEL ON TRAILS

**SECTION 1. AUTHORITY.** This is a civil ordinance adopted under authority of 24 V.S.A. §§ 1971 and 2291(14), and 19 V.S.A. § 304(5).

**SECTION 2. PURPOSE.** The purpose of this ordinance is to prevent environmental damage and pollution caused by vehicular traffic on the trail. Such damage and pollution are hereby deemed to be a public nuisance.

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

- a. *Motor Vehicle* shall include all vehicles propelled or drawn by power other than muscular power, except tractors used entirely for work on the farm, vehicles running only upon stationary rails or tracks, motorized highway building equipment, road making appliances or snowmobiles, or implements of husbandry.
- b. *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.
- 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. Crane Brook Trail shall mean the Legal Trail on New Road (Town Highway #26).

**SECTION 4. ACTIVITY PROHIBITED.** The operation of a motor vehicle is prohibited on the Crane Brook Trail from November 1<sup>st</sup> until May 1<sup>st</sup> unless the operator of the vehicle has a valid permit issued by the Underhill Selectboard.

## SECTION 5. PERMITS.

- a. Permits shall be issued only to persons who, in the judgment of the Selectboard, have a legitimate need to operate a vehicle on the Crane Brook Trail. For the purposes of this ordinance, 'legitimate need' shall mean a compelling personal or business purpose.
- b. The only acceptable permit shall be one entitled "TOWN OF UNDERHILL PERMIT TO OPERATE A MOTOR VEHICLE ON THE CRANE BROOK TRAIL" and signed by the members of the Underhill Selectboard. One copy of the permit shall be issued to the permittee and one copy shall be filed with the Underhill Town Clerk.
- c. Permits shall be valid for residents and property owners so long as they continue to be residents or property owners. All other permits shall be renewed annually.

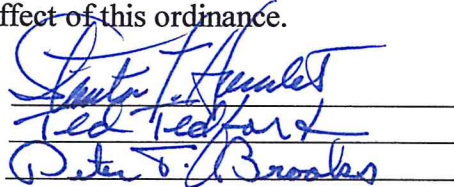
**SECTION 6. PENALTIES.** Any person who operates a motor vehicle on the Crane Brook Trail from November 1<sup>st</sup> to May 1<sup>st</sup> or who allows another person to operate their motor vehicle on Crane Brook Trail without a permit shall be fined \$50.00, with a waiver fee of \$35.00. If the owner and the operator of a vehicle being operated without a permit are not the same person, the owner and the operator shall each be liable for the fine of \$50.00 or the waiver fee of \$35.00.

**SECTION 7. ENFORCEMENT OFFICERS.** Enforcement shall be performed by the Underhill Town Constable or by any officer of the Chittenden County Sheriff's Department or by any other Vermont law enforcement officer.

**SECTION 8. 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 9. EFFECTIVE DATE:** This ordinance shall become effective 60 days after its adoption by the Underhill Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Stanton Hamlet, Chair  
Walter 'Ted' Tedford  
Peter T. Brooks



Wednesday, January 30, 2002 at 11:45 AM

Received for record: February 6, 2002

Attest:   
Nancy C. Bradford, Town Clerk

**ADOPTION HISTORY:**

1. Agenda item at regular Selectboard meeting held on Wednesday, January 30, 2002.
2. Read and approved at regular Selectboard meeting on Wednesday, January 30, 2002 and entered in the minutes of that meeting which were approved on February 12<sup>th</sup> 2002
3. Posted on Friday, February 1<sup>st</sup>, 2002.  
Underhill Town Hall  
Underhill Country Store  
Jacob's IGA  
Underhill Center Post Office 05490  
Underhill Flats Post Office 05489
4. Notice of adoption published in the Burlington Free Press on Saturday, February 2, 2002 with a notice of the right to petition.

**TOWN OF UNDERHILL  
PERMIT TO OPERATE A MOTOR VEHICLE  
ON CRANE BROOK TRAIL**

PURSUANT TO THE ORDINANCE REGULATING TRAVEL ON THE CRANE BROOK TRAIL, as defined in the ordinance, the Underhill Selectboard hereby issues this permit to operate a motor vehicle on the trail to:

- A. \_\_\_\_\_ (land owner/resident of the trail) and his/her invited guests); such permit to be valid so long as he/she is an owner/resident; or
- B. \_\_\_\_\_, a person determined by the Underhill Selectboard to have a legitimate need to operate a motor vehicle on the trail, such permit to expire one year from this date.

\_\_\_\_\_  
Date

\_\_\_\_\_  
For the Selectboard