

## TRAVEL ON TRAILS

**SECTION 1. AUTHORITY.** This is a civil ordinance adopted under authority of 24 V.S.A. §§ 1971 and 2291 (1) and (15), and 19 V.S.A. § 304(5).

**SECTION 2. PURPOSE.** The purpose of this ordinance is to protect the peaceful enjoyment of trails in the Town of Shaftsbury and to prevent environmental damage and pollution caused by vehicular traffic on trails. Such damage and pollution are hereby declared 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.
- 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, partnership or association, holding legal title to a motor vehicle, or having exclusive right to the use or control thereof.
- d. *Dexter Trail* shall mean the legal trail, LT2, extending .43 miles from Town Highway #18 Dexter Road to Town Highway #18 Hickory Hill Road.

**SECTION 4. ACTIVITY PROHIBITED.** The operation of a motor vehicle is prohibited on the Dexter Trail, LT 2, south from Dexter Road TH18 1770 feet to a point 500 feet north from TH18 Hickory Hill Road.

**SECTION 5. PENALTIES.** Any person who operates a motor vehicle on the Dexter Trail or who allows another person to operate their motor vehicle on Dexter Trail shall be fined \$50.00, with a waiver fee of \$35.00. If the owner and the operator of a vehicle being operated on such trail 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 6. ENFORCEMENT OFFICERS.** Enforcement shall be performed by the Shaftsbury Town Constable or by any officer of the Bennington County Sheriff's Department or by any other Vermont law enforcement officer.

**SECTION 7. 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 8. EFFECTIVE DATE:** This ordinance shall become effective 60 days after its adoption by the Shaftsbury Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

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\_\_\_\_\_  
Date

Signatures

**ADOPTION HISTORY:**

1. Agenda item at regular Selectboard meeting held on \_\_\_\_\_.
2. Read and approved at regular Selectboard meeting on \_\_\_\_\_ and entered in the minutes of that meeting which were approved on \_\_\_\_\_.
3. Posted in public places on \_\_\_\_\_.
4. Notice of adoption published in the \_\_\_\_\_ newspaper on \_\_\_\_\_ with a notice of the right to petition.
5. Other actions [petitions, etc.]