

**TOWN OF GEORGIA  
TRAVEL ON TOWN TRAILS ORDINANCE**

**SECTION 1. AUTHORITY.** This is a civil ordinance adopted pursuant to 24 V.S.A. Chapter 59 and § 1971 and in accordance with the authority provided by 19 V.S.A. Chapter 7 and §§ 301(8)(B) and 1111, and 24 V.S.A. §§ 2291(1), (4), (5), (14), (15) and such other enactments as may be applicable.

**SECTION 2. PURPOSE.** The purpose of this Travel on Town Trails Ordinance (the “Ordinance”) is to protect public health, safety, and welfare, and to prevent environmental damage and pollution caused by vehicular traffic on legal trails. 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, snowmobiles, all-terrain vehicles as defined in 23 V.S.A. § 3501, class 1 and 2 “e-bikes,” or electric personal assistive mobility devices.
- 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, or an individual seeking to use and work on a Trail.
- d. *Trails* shall mean all legal trails within the meaning of 19 V.S.A. Section 301(8) in the Town of Georgia (the “Town”).
- e. *Use* and *Work* shall include all construction, fill, excavation, ditching or digging within the right-of-way limits of a Trail, as well as those activities identified in 19 V.S.A. § 1111 that are prohibited in a town highway right-of-way without a permit first being issued by the Selectboard.
- f. *Issuing Municipal Official* is any law enforcement officer, Town constable, Town Administrator or other persons designated an Issuing Municipal Official under this Ordinance by the Georgia Selectboard

**SECTION 4. ACTIVITY PROHIBITED.** Use and Work on all Trails and the operation of a Motor Vehicle on all Trails are prohibited unless the Owner has either a valid permit issued by the Town or has entered into a license agreement with the Town. The discharge of firearms on Trails is also prohibited. Personal mobility devices such as motorized wheelchairs and scooters are not prohibited on Trails, but users of such devices are hereby notified that Trails are not maintained so as to specifically accommodate these devices.

**SECTION 5. PERMITS AND LICENSES.**

- a. Permits or licenses shall be issued only to residents of or persons owning property abutting Trails or their branches, or to persons who, in the judgment of the Selectboard, have been found to have a legitimate need to operate a Motor Vehicle on a Trail.
- b. The only acceptable permit shall be one entitled "TOWN OF GEORGIA PERMIT TO OPERATE A MOTOR VEHICLE ON [THE \*NAMED\*] TRAIL" and signed by an authorized member of the Georgia Selectboard. One copy of the permit shall be issued to the permittee, and one copy shall be filed with the Georgia Town Clerk. The Town may also enter into license agreements with Owners who propose either improvements to a Trails, use of a Trail for access to private properties, or for other private purposes allowed in the reasonable exercise of the Georgia Selectboard's discretion pursuant to its authority to control Trails in the Town.
- 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. License agreements may run with the land or may terminate upon completion of the proposed private use, depending on the circumstances in the sole discretion of the Selectboard.

**SECTION 6. PERMISSION.** The Selectboard may consent to use of Trails to access properties for logging and sugaring activities, and such consent shall not be unreasonably withheld. In using Trails for such activities, users are required to leave the Trail in as good or better condition following their use as when permission was granted. In a reasonable exercise of its discretion, the Selectboard may require a surety for such use in the form of an escrow, bond or letter of credit to ensure such users restore the Trail to an acceptable condition following their use.

**SECTION 7. ENFORCEMENT:** Penalties. Any violation(s) of this Ordinance is subject to a civil penalty. Each day the violation continues shall constitute a new offense.

- a. An Issuing Municipal Official is authorized to recover Civil Penalties and Waiver Fees in the following amounts:

	<u>Civil Penalty</u>	Waiver Fee
First Offense	\$160	\$100
Second Offense	\$320	\$250
Third Offense	\$480	\$400
Fourth Offense	\$640	\$550
Fifth and Subsequent Offenses	\$800	\$700

- b. In addition to the enforcement procedures herein, the Selectboard may commence a civil action in Superior Court to obtain injunctive or other appropriate relief and may pursue any other remedy authorized by law, including but not limited to relief available under common law claims, including but not limited to a claim of public or private nuisance.

**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 sixty (60) days after adoption by the Town of Georgia Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the taking effect of this Ordinance.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

GEORGIA SELECTBOARD

\_\_\_\_\_  
Devon Thomas, Chair

\_\_\_\_\_  
Shannon Jenkins, Vice Chair

\_\_\_\_\_  
Jamie Comstock

\_\_\_\_\_  
Nicholas Martin

\_\_\_\_\_  
Carl Rosenquist

**TOWN OF GEORGIA**  
**PERMIT TO OPERATE A MOTOR VEHICLE**  
**ON \_\_\_\_\_ TRAIL**

PURSUANT TO THE TRAVEL ON TOWN TRAILS ORDINANCE, THE \_\_\_\_\_ TRAIL, as defined in the Ordinance, the Georgia Selectboard hereby issues this permit to operate a motor vehicle on the trail to:

- A. \_\_\_\_\_ (landowner/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 Georgia 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