

TOWN OF GEORGIA
TRAVEL ON TOWN LEGAL TRAILS ORDINANCE
TRAILS #1,#3,#4, and #5 (NO TRAIL #2)

SECTION 1. AUTHORITY. This is a municipal Ordinance under authority of 19 V.S.A. §§ 301(8) A and 24VSA111971 & 2291(14)

SECTION 2. PURPOSE. The purpose of this travel on Town Legal Trails Ordinance (the "Ordinance") is to protect public safety, and prevent environmental damage and pollution caused by vehicular traffic on 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***, means any power-driven vehicle which is normally used for carrying persons or goods by road including cars, trucks, motorcycles, and ATV's.
- 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, or an individual seeking to use and work on a Trail.
- D. Trails shall mean all 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 excavation or digging within the right-of-way limits of a Legal Trail.

SECTION 4. ACTIVITY PROHIBITED. Use and work on all trails and the operation of a motor vehicle on all Legal 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 Legal Trails is also prohibited. **Personal mobility devices such as motorized wheelchairs and scooters are not banned, but the trails are not maintained to specifically accommodate these devices.**

SECTION 5. PERMITS

- A. Permits shall be issued to persons owning property abutting the trail, or persons residing on property abutting the trail with permission of the landowner, or persons who in the judgment of the Select Board, have been found to have a legitimate need to operate a vehicle on a Trail. (Visitors to the property owners will not require a permit)
- 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 the members 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 a Trail for access to private properties, or for other private purposes allowed in the reasonable exercise of the Georgia Select Board's discretion pursuant to its authority to control Trails in the Town.
- C. Permits issued as a means for primary access to land shall be valid for property owners and residents as long as they continue to be property owners or residents. All other permits shall be renewed annually.

SECTION 6. Permission for the use of legal trails to access properties for logging and surgaring activities shall not be unreasonably withheld by the Select Board. The trail shall be left in as good or better condition as when permission was granted. The Select Board may require that the logger or property owner provide an adequate amount of funds into an escrow account to be available in the event that the logger or property owner fails to restore the trail to an acceptable condition.

SECTION 7. SEVERABILITY. If any portion of this Ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

SECTION 8. ENFORCEMENT: Penalties. Any violation(s) of this ordinance is subject to a civil penalty of \$100 a day. Each day the violation continues shall constitute a new offense.

SECTION 9. EFFECTIVE DATE: This Ordinance shall become effective 60 days from the date of adoption.

