

# TOWN OF POMFRET

## ORDINANCE PERTAINING TO 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. *Pomfret Trail* shall mean any Legal Trail as recorded in the Town records and designated on an official highway map.

**SECTION 4. ACTIVITY PROHIBITED.** The operation of a motor vehicle is prohibited on a Pomfret Trail unless the operator of the vehicle has a valid permit issued by the Pomfret Selectboard.

### SECTION 5. PERMITS.

- a. Permits shall be issued only to residents of or persons owning property on any Pomfret Trail or its branches or to persons who, in the judgment of the Selectboard, have been found to have a legitimate need to operate a vehicle on the Pomfret Trail.
- b. The only acceptable permit shall be one entitled "TOWN OF POMFRET PERMIT TO OPERATE A MOTOR VEHICLE ON A POMFRET TRAIL OR TRAILS and signed by the members of the Pomfret Selectboard. One copy of the permit shall be issued to the permittee and one copy shall be filed with the Pomfret 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.
- d. Owners of property abutting trails shall be not be required to obtain a permit to use that portion of the trail adjoining their property.

**SECTION 6. PENALTIES.** Any person who operates a motor vehicle on any Pomfret Trail or who allows another person to operate their motor vehicle on any Pomfret 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 Pomfret Town Constable or by any officer of the Windsor 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 Pomfret Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

James M. Hawill  
Miller B. Blawie  
Robert S. Harrington  
Signatures

August 4, 2004  
Date

**ADOPTION HISTORY:**

1. Agenda item at regular Selectboard meeting held on August 4, 2004
2. Read and approved at regular Selectboard meeting on August 4, 2004 and entered in the minutes of that meeting which were approved on August 18, 2004
3. Posted in public places on August 6, 2004.
4. Notice of adoption published in the Vermont Standard newspaper on August 12, 2004 with a notice of the right to petition.
5. Other actions [petitions, etc.]

**Town of Pomfret**  
**5218 Pomfret Road**  
**North Pomfret, VT 05053**

**Policy on Legal Trails**

The following policy on all legal trails was adopted at the July 7, 2010 regular selectboard meeting:

1. Trails should not be blocked off by use of gravel, logs, or any other barrier that hinders use of the trails for non-motorized recreational purposes or that is a detriment or danger to the public using the trails.
2. These trails, like all trails, should be inspected once a year by the road commissioner to make sure that they are maintained and passable for recreational use.
3. Legal trails should be posted with signs stating "this is a trail only, no motorized vehicles beyond this point".