

Old Piper Trail Ordinance

The Selectmen of the Town of Baltimore, County of Windsor, State of Vermont, in accordance with the authority invested in them by virtue of Title 24, Section 1972 through 1976 of the Vermont Statutes Annotated, hereby adopt the following Old Piper Trail Ordinance.

1.01 GENERAL

No section of this ordinance shall be construed to supersede or replace any Vermont Statute.

The Selectmen may, at their discretion, modify the requirements contained herein if their strict enforcement would cause undue hardship due to unusual conditions, provided the general objectives of these requirements are satisfied.

Compensation for damages to the Old Piper Trail caused by acts of noncompliance with this trail ordinance may be assessed against violators by the selectmen.

1.02 CLASSIFICATION

The Old Piper Trail is classified as a trail and therefore will continue to be a public right-of-way.

It is the policy of the Selectboard to discourage the reclassification and/or upgrading of Fourth class roads and trails. However, it is the right of a landowner to request changes in road status. The Selectboard if so petitioned will follow the procedures set out in Title 19, VSA, Sections 708—716.

1.03 TRAIL CONSTRUCTION, MAINTENANCE AND USE.

Trail improvements shall be constructed or installed in accordance with sound engineering practice and in accordance with this Old Piper Trail ordinance.

- 1) Access via the Old Piper Trail is for a single family dwelling only.
- 2) Any driveway, entrance or approach from private property entering the Old Piper Trail must meet the Town of Baltimore Regulations regarding driveway access and an Application For Access Permit must be filled out and submitted to the town.
- 3) No water or debris will be allowed to enter into the public Trail other than through properly designed drainage ditches.
- 4) All improvements to the Trail will be at land owners expense.
- 5) The land owners will be responsible for all snowplowing or snow removal and any maintenance to the trail.
- 6) If at some point the Town of Baltimore is asked or petitioned to reconsider or reclassify the Trail, the Trail must meet Town specifications prior to the consideration of

approval or acceptance.

- 7) The Town retains the public right of way on the Trail.
- 8) The Town assumes no maintenance responsibility or liability of this trail except as outlined in the Vermont State Statutes.
- 9) Written permission must be obtained from the Baltimore Selectboard before any private construction or improvements can be made to the trail.
- 10) Written permission from the Selectboard and adjoining landowners must be filed with the Baltimore Town Clerk before any trees are removed on the Trail or within the Trail right of way.

1.04 RIGHT-OF-WAY ACCESS

Selectmen shall control access into the road right-of-way for the installation or repair of utilities and for access of driveways, entrances and approaches.

1.05 POSTING

The Old Piper Trail may not be intentionally closed by a gate or other obstruction by anyone other than the Board of Selectmen.

Selectmen may post a road in accordance with 19 V.S.A. § 1110.

1.06 PERMITS

All normal Town and or State Permits must be obtained by the land owner for any development of property which will be accessed by The Old Piper Trail.

1.07 FEES

All normal Town Fees for development or construction must be paid by the land owner for any development of property which will be accessed by The Old Piper Trail.

The Old Piper Trail Reconstruction Allocation Fee.

Purpose.

The Purpose of this fee is to recover the up front cost to the Town of Baltimore for the reconstruction of The Old Piper Trail curb cut where the trail enters the Baltimore Road.

The Old Piper Trail Reconstruction Allocation Fee is currently set at \$500.00 and the fee will be charged to each landowner for each parcel of property being developed. This fee will be in addition to the above Town fees and the APPLICATION FOR ACCESS PERMIT approval will be contingent on the record of payment of this fee at the Town Office.

The Baltimore Selectboard will consider the elimination of this fee once the up front cost to the town for the reconstruction of the Old Piper Trail curb cut has been recovered through allocated payments of this fee.

1.08 ADOPTION

A copy of this ordinance shall be entered in the minutes of the Board of Selectmen's Meeting.

The foregoing ordinance is hereby adopted by the Selectmen of the Town of Baltimore, Vermont, this 6th day of August, 2008.

Date Posted/Newspaper. (Within 14 days of its adoption): August 13, 2008.

Petition disapproving the ordinance within 44 days following the adoption: ___Yes _X_No

Date The Old Piper Trail Ordinance becomes effective (If no disagreement petition was received then effective date is 60 days after the date of its adoption): October 6, 2008

Baltimore Selectboard:	Signatures:	Date Signed
Walter Rich, Chairperson	_____	December 3, 2008
Harrison Kendall	_____	
Kevin Gould	_____	

Notes:

See Attachment

Attachment to Old Piper Trail Ordinance

Changes made from the Original Old Piper Trail Ordinance.

This copy includes the following changes or additions.

- Old Piper Trail Allocation Fee reduced from \$2,000.00 to \$500.00
- Petition disapproving the ordinance within 44 days of its adoption -- Marked NO
- Date indicating as to when the ordinance became effective -- October 6, 2008
- Selectboard Signature Dated November 5, 2008

Changes made from the Old Piper Trail Ordinance – Revision Date: November,5 2008.

Two spelling mistakes corrected in paragraph 1.03 TRAIL CONSTRUCTION,
MAINTENANCE AND USE. 2)

- entance corrected to read entrance
- approch corrected to read approach