

Town of Brookline, Vermont, Protection of Roads and Road Right-of-Way Ordinance

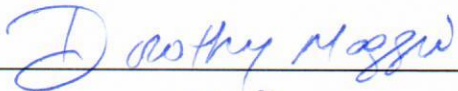
Pursuant to 19 V.S.A. § 304 and 24 V.S.A. § 2291, the Brookline Selectboard hereby adopts the following Ordinance.

- I. The purpose of the Ordinance is to protect the roads and road rights-of-way in the Town of Brookline.
- II. Any person who creates a log or lumber yard, landing, skidway, driveway cut, or other site related to the harvesting of wood or wood products within the right-of-way of any town road within the Town of Brookline shall first procure a permit to do so from the Road Commissioner.
- III. As a condition for obtaining such a permit, such person shall post a bond by cash or certified check to the Town of Brookline in the sum of \$2,500 for the purpose of making repairs to roads, bridges, ditches, rights-of-way, or culverts occasioned by the activity of such person in the course of the wood harvest and transport of the product of such harvest.
- IV. Each person conducting a wood harvest who creates a log or lumber yard, landing, skidway, driveway cut, or other site shall repair all damage caused to the town roads, ditches, culverts, or rights-of-way, within thirty (30) days of the cessation of the harvest. Such person shall be liable to the Town of Brookline for damage not so repaired, and after five (5) days' notice by regular mail to such person, the Town of Brookline may repair the damage caused to its roads, bridges, ditches, culverts, or rights-of-way and reimburse itself or such person it should hire for the reasonable value of the labor and materials expended. The Town of Brookline may use the bond for payment of its costs for repair.
- V. Portions of the bond not used by the Town of Brookline to reimburse itself for repair shall be refunded to the person to whom the permit was issued. In the event the costs of damage repair exceed the security posted, the person to whom the permit was issued shall be liable for all such remaining damages, including reasonable attorney's fees incurred to collect the same.
- VI. Any person creating a driveway cut for access to any site beyond the town right-of-way or for the purposes other than those stated in Section II of this Ordinance shall first procure a permit from the Road Commissioner, who may impose such conditions as the Road Commissioner feels necessary to protect the town road or right-of-way. The responsibility and cost of complying with said conditions resting with the person to whom the permit is issued.
- VII. Any person failing to procure the permit required in Section II of this Ordinance, after notice, may be enjoined from further timber harvest in an action brought under this Ordinance. Such person shall be responsible for reasonable attorney's fees incurred by the Town of Brookline in such proceedings.
- VIII. Failure to procure or comply with the conditions of any permit required by this Ordinance after notice shall be a crime subject to a criminal penalty of up to \$500.00 per week for every week of violation, each week's violation being a separate offense.

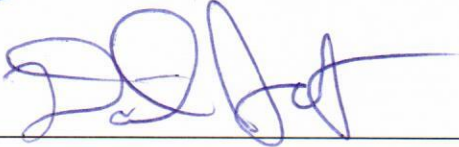
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This ordinance shall become effective 60 days after its adoption by the Town of Brookline Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 20th day of February, 2019.



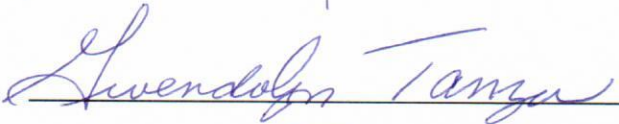
Dorothy Maggio, Chairperson



David Jones, Vice Chairperson



Bruce Mello



Gwendolyn Tanza



Christian Webb