

This Ordinance was adopted on January 7, 1997 and will take effect on March 8, 1997 unless a petition signed by at least five percent of the voters of Cabot is filed with the Town Clerk by February 21, 1997 asking for a vote to disapprove the Ordinance. If a petition is received, the Cabot Selectboard will warn a Town Meeting so that the voters may vote on the question. (24 V.S.A. § 1973) The full text of this Ordinance is available for inspection at the Cabot Town Office. For further information, call R.D. Eno, Selectboard chair, 563-2486.

ORDINANCE RELATING TO THE PROTECTION OF ROADS
AND ROAD RIGHTS-OF-WAY IN THE TOWN OF CABOT

Pursuant to 19 VSA § 304 and 24 VSA § 2291, the Cabot Selectboard hereby adopts the following Ordinance.

- I. The purpose of this Ordinance is to protect the roads and road rights-of-way in the Town of Cabot.
- 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 Cabot 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 Cabot in the sum of \$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 30 days of the cessation of the harvest. Such person shall be liable to the Town of Cabot for damage not so repaired, and, after 5 days notice by regular mail to such person, the Town of Cabot 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 Cabot may use the bond for payment of its costs for repair.
- V. Portions of the bond not used by the Town of Cabot 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 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 ~~commercial~~ timber harvest in an action brought under this Ordinance. Such person shall be responsible for reasonable attorney's fees incurred by the Town of Cabot 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 per week for every week of violation, each week's violation being a separate offense.

Adopted this 7th day of January, 1997 by the Cabot Selectboard



R.D. Eno



Glenn Goodrich



Larry Gochey