

**AN ORDINANCE REGULATING REMOVAL OF VEGETATION  
FROM CERTAIN TOWN HIGHWAY RIGHTS-OF-WAY**

**TOWN OF ISLE LAMOTTE, VERMONT**

**SECTION 1. AUTHORITY.** This Ordinance is adopted by the Selectboard of the Town of Isle LaMotte under authority granted in 24 V.S.A. §§ 2291(3) and 24 V.S.A. Chapter 59.

**SECTION 2. PURPOSE.** The purpose of this Ordinance is to protect public investment in the Town's highway infrastructure by establishing measures to regulate vegetation removal to prevent erosion damage to Town highway rights-of-way bordering Lake Champlain.

**SECTION 3. APPLICABILITY.** The Ordinance shall apply to the described portions of the following highway rights-of-way:

- A. The west side West Shore Road, Town Highway No. 2, beginning at the intersection of Shrine Rd. and ending at School St.
- B. The west side of West Shore Road, Town Highway No. 3, beginning at the intersection of School St. and ending at Lot #02-03-105.
- C. The west side of Light House Point Road, Town Highway No. 4, beginning at the intersection of Shrine Rd. and ending at Lot #01-14-02.
- D. The east side East Shore Road, Town Highway No. 5, beginning at the intersection of Nobles Hill Rd. and ending at Lot #01-05-04.
- E. The east side East Shore Road, Town Highway No. 6, beginning at the intersection of Nobles Hill Rd. and ending at Church St.

In accordance with 24 V.S.A. §§ 32 and 702, the town highway right-of-way is the area one and one half rods (24.75 feet) on each side of the center of the existing traveled way, unless a recorded highway survey establishes otherwise.

**SECTION 4. DEFINITIONS.** For purposes of this Ordinance, the following words and/or phrases shall apply:

- A. Vegetation. Any plants, shrubs, trees, and grasses.
- B. Site. Any lot or parcel of land or contiguous combination thereof under the same ownership, or portion of any lot or parcel, where vegetation removal is performed.

**SECTION 5. PROHIBITED ACTS.** No person may remove vegetation from the areas

described in Section 3 of this Ordinance without having first obtained a permit from the Isle LaMotte Selectboard, except that a permit is not required for the following:

- A. Removal of vegetation on a site on which the total area of vegetation removal is less than one hundred (100) square feet within a period of one year and not exceeding three hundred (300) square feet in any five year period.
- B. Harvesting of hay, crops, fruit or nut trees.
- C. Routine landscaping and maintenance of lawns existing on the effective date of this Ordinance.

**SECTION 6. APPLICATION.** Prior to the removal of vegetation from the areas described in Section 3 of this Ordinance, the owner of a site shall submit a written application to the Selectboard. Said application shall describe the proposed location, method, and purpose of the vegetation removal and the anticipated impact on erosion caused by the removal.

**SECTION 7. APPROVAL AND CONDITIONS.** The Selectboard will issue a permit approving the proposed vegetation removal when satisfied that the work is not likely to create new or increased erosion to any town highway right of way. The Selectboard may impose such conditions on the issuance of a permit as it deems reasonably necessary to avoid erosion damage to the town highway right of way. These conditions may include, but shall not be limited to, the following:

- A. Methods to be used in the removal of vegetation and the sequence of operations.
- B. A requirement that certain protective structures or devices be installed or utilized to control and prevent erosion.
- C. A requirement that areas cleared be replanted with approved grasses or other plants to provide protection against erosion damage.

All vegetation removal shall be prohibited from October 1 to May 15 unless specific erosion control measures approved by Selectboard are in place.

**SECTION 8. PENALTY AND ENFORCEMENT.** A violation of this Ordinance shall be a civil matter that may be enforced in the Vermont Judicial Bureau or in the Grand Isle County Superior Court, at the election of the Selectboard.

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. A civil penalty of not more than \$500.00 per violation may be imposed for violation of this Ordinance. The waiver penalty shall be \$50.00 for the first violation and \$100.00 for each subsequent violation. Each day that the violation continues shall

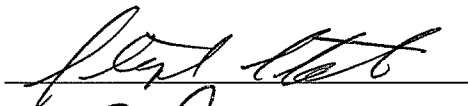
constitute a separate violation.

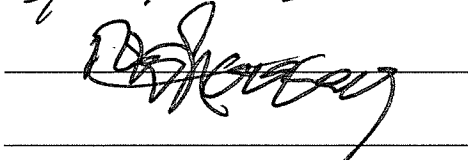
For purposes of enforcement in the Judicial Bureau, members of the Selectboard shall be the designated enforcement officer(s). Said designee(s) may issue tickets and may be the appearing officer at any hearing. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of Isle LaMotte may pursue all appropriate injunctive relief.

**SECTION 9. OTHER LAWS.** This Ordinance is in addition to all other ordinances of the Town of Isle LaMotte and all applicable laws of the State of Vermont.

**SECTION 10. SEVERABILITY.** If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

**SECTION 11. EFFECTIVE DATE.** This Ordinance shall become effective 60 days after its adoption by the Isle LaMotte selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the effective date of this Ordinance.







07-03-10  
DATE

SIGNATURES

**Adoption History**

1. Agenda item at regular selectboard meetings held from April to July 2010.
2. Read and approved at regular selectboard meeting on June 2<sup>nd</sup>, 2010 and entered in the minutes of that meeting which were approved on June 16<sup>th</sup>, 2010.

3. Posted in public places on May 10<sup>th</sup>, 2010.
4. Notice of adoption published in the Islander newspaper on 7-13-10 with a notice of the right to petition.
5. Other actions [petitions, etc.]

For information on this ordinance contact Rusty Spaulding at 204 Lakehurst Rd. Isle La Motte, Vt. phone number 928-3266.

This ordinance shall become effective 60 days after the date of its adoption or at such time following the expiration of 60 days from the date of its adoption as is determined by the legislative body.

Citizens have the right to petition for a vote on the ordinance at an annual or special meeting as Provide in Section 1973 of Title 24 : 24 V.S.A. 1972.