

TOWN OF WESTFIELD CLASS 4 HIGHWAY AND LEGAL TRAIL ORDINANCE

A landowner with property adjacent to a Class 4 Highway or Legal Trail looking to perform or arrange for the performance of improvement work on a Class 4 Highway or Legal Trail must apply for a Highway Improvement Permit from the Selectboard prior to commencing work. Upon submission of a completed application, the Selectboard shall review and may approve with directions, conditions and restrictions or deny the application. Applications for road improvements in the Special Flood Hazard Area also require Conditional Use Review by the Development Review Board according to the Westfield Zoning Bylaw §1002. No work can commence without a permit from the Selectboard, and any required Zoning Permits. The landowner shall bear all costs associated with a project to improve and/or maintain a Class 4 Highway or Legal Trail.

Any logger or logging operation using any Class 4 Highway or Legal Trail in the Town of Westfield must adhere to the requirements laid out in Section 9, Use of Class 4 Highways and Legal Trails.

1. Authority:

According to 19V.S.A. §1111, the Selectboard of Westfield, as the legislative body of the municipality, may require "anyone wishing to use any part of the highway right-of-way on either the State or town system" to obtain a permit.

2. Purpose:

The purpose of this Ordinance is to define the standards by which the Town will maintain its Class 4 Highways and Legal Trails, and to set reasonable expectations for their use. The Ordinance regulates the improvement and/or maintenance of Class 4 Highways and Legal Trails by an individual for use as access to their property or for any other purpose.

3. Definitions:

"Highway" shall mean a public road or highway that is classified as class 1,2,3, or 4 for purposes of receiving state aid.

"Class 4 Highways" are all other highways not falling under definitions of class 1,2 or 3 highways. Class 1, 2 and 3 highways are defined for the purpose of receiving state aid and are passable with a pleasure vehicle on a year-round basis.

"Improvement" shall mean enhancing, upgrading, or modifying an existing road network to increase its capacity, safety, or performance.

"Legal Trails" are classified as a public right-of-way that's not a highway but is under the authority of the municipality.

"Maintenance" shall mean periodic actions required to keep up a condition and that do not significantly change the materials or extent of an existing condition.

"Right-of-way" unless defined in an individual deed the right-of-way (ROW) for all Class 4

Highways and Legal Trails: 3 rods wide (49.5) feet. This ROW is established in 19 V.S.A. §702. If there is uncertainty regarding the boundaries of the ROW, the burden shall be on the applicant to demonstrate its location to the satisfaction of the Selectboard which states “The right-of-way for each highway and trail shall be three rods wide unless otherwise properly recorded”.

"Selectboard" shall mean the Selectboard of the Town of Westfield.

"Town" shall mean the Town of Westfield.

“Traveled Way” shall mean that portion of a public highway designed for the movement of a motor vehicle, shoulders, and roadside parking, rest, observation areas, and other areas immediately adjacent and contiguous to the traveled portion of the roadway.

4. Maintenance by the Town: This section refers to 19 V.S.A §310 and 19 V.S.A §302.

- a. The Town shall not be obligated to provide summer maintenance of Class 4 Highways or Legal Trails. Any work performed will in no way obligate the Town to perform additional maintenance or repairs.
- b. The Town shall not provide winter maintenance on Class 4 Highways or Legal Trails. Plowing will be done by private parties.
- c. The Town has the authority to maintain these roads, but not the responsibility to maintain them.

5. Improvement and Right-of-Way Access of Class 4 Highways and Legal Trails:

- a. Any person who wishes to perform or arrange for the repair, improvement, restoration, or installation on a Class 4 Highway or Legal Trail may do so only after submitting and receiving approval of a Class 4 Highway & Legal Trail Improvement Permit application from the Selectboard. Permission for repair, improvement, restoration, or installation shall be given in accordance with 19 V.S.A. §1111 and be consistent with the standards for development in the Westfield Zoning Bylaws.
- b. All work within the highway right-of-way shall be in conformance with current Town highway specifications as well as the Vermont State Standards as adopted by VTrans and the highway right-of-way shall be maintained according to the approved Class 4 Highway & Legal Trail Improvement Permit. The Selectboard may attach reasonable conditions to the permit as deemed necessary for public safety and protection of public resources.
- c. By submission of a permit application the applicant agrees to:
 - i. Bear all costs associated with the work on the highway
 - ii. Complete all the requirements for signage, work safety, and public safety required by law or reasonable prudence; and will be adhered to in connection with the work done under the application

- iii. Work will be done in conformance with the application
 - iv. The applicant and the applicant's agents shall not hold the Town responsible for any claims or injuries which may arise out of the work
 - v. Indemnify and hold the Town harmless against legal liability for any and all damage, loss or claim associated with the work.
- d. The width of a right-of-way for all Class 4 Highways and Legal Trails shall be 3 rods wide (49.5 feet) unless defined differently in individual deeds.

6. Exemptions for Maintenance:

- a. Exemptions for maintenance shall be sent to the Selectboard members in writing via email (townclerk@westfield.vt.gov) or delivered in person or through the drop box at the Town Office, so that it can be noted at the next regularly scheduled Selectboard meeting. These exemptions for regular maintenance do not require a permit. Standards for exemptions shall include the following. If the following standards are not met the Selectboard shall require a permit:
- i. Addition of material, not to exceed 56 yards per tenth of a mile, of traveled way, per year
 - ii. Maintaining pre-existing ditches
 - iii. Replacing pre-existing culverts, with replacement culverts to be a minimum of 18" in size
 - iv. Repairing pre-existing water bars
 - v. Clearing of woody material that is encroaching into the traveled way
- b. Emergency weather events that require immediate attention to bring the road back up to its original condition may be completed prior to approval by the Selectboard. These repairs must then be brought to the attention of the Selectboard at the next regularly scheduled Selectboard meeting.

7. Highway Improvement Application:

- a. Application Requirements:
- i. Completed permit application with the applicant's name(s), mailing address, email address, phone number, and general explanation of the proposed project.
 - ii. A site development plan with a map showing the entire extent of the project with existing conditions and proposed conditions. The development plan must

demonstrate that it will meet the needs of the users and protect water quality and will be approved by the Selectboard and Road Commissioner.

- iii. If applicants require a Conditional Use Review by the Development Review Board, then they must submit documents supporting stormwater management and erosion control as noted in §811 of the Westfield Zoning Bylaws.
 - iv. Permits may be approved for a span of years and in this case would be subject to periodic inspections at the discretion of the Selectboard.
- b. Completed Class 4 Highway and Legal Trail Improvement Permit applications will be reviewed by the Selectboard within 30 days of submission.
 - c. All abutting landowners will be advised by mail at least 15 days before the permit application is reviewed by the Selectboard.
 - d. The Selectboard will either issue or deny a Permit according to the following standards consistent with development standards established by §801 in the Westfield Zoning Bylaws and Vermont State statute 19V.S.A. §1111.
 - i. If applicants require a Conditional Use Review by the Development Review Board, they must follow §811 of the Westfield Zoning Bylaws.
 - e. Similar to other land development permits in the Town, Class 4 Highway & Legal Trail Improvement Permits will be posted consistent with 24 V.S.A §4449 for a 15-day appeal period following their issuance.
 - f. Appeals must be made in writing to the Selectboard within 15 days following issuance of the Permit.
 - g. Approved Class 4 Highway & Legal Trail Improvement-Permits will be submitted for recording in the Westfield Town Records by the Selectboard Clerk within 30 days after the Permit becomes valid.
- 8. Town Control:** The Selectboard shall exercise control of Class 4 Highways and Legal Trails to ensure their integrity as public rights-of-way by means which may include, but are not limited to the following:
- a. Inspection of highway improvements. When an improvement project is complete, the **Selectboard must be notified in writing**. The Selectboard and/or the Road Commissioner will inspect and approve the initial improvement. The Selectboard may require an elevated level of review based on the grade, right-of-way, ditching or length of the road and may require a licensed professional to oversee or inspect the project;
 - b. Annual review of Class 4 Highway & Legal Trail Improvement Permit compliance;
 - c. Establishment of vehicle weight limits;

- d. Prohibition or restriction of use by motorized vehicles, if necessary to protect property owners/ integrity of the road from damage;
- e. Establishment of speed limits.

9. Use of Class 4 Highways and Legal Trails: All users of a Class 4 Highway or Legal Trail in the Town of Westfield are required to bring the road back to a condition that is up to the satisfaction of the Town. Excess weight permits are required prior to the use of any Class 4 Highway or Legal Trail. The Selectboard shall exercise control over the use of Class 4 Highways and Legal Trails by means which may include the following:

- a. Imposition of requirements for a temporary permit for heavy equipment access which may include a stipulation that any highway damaged will be repaired by or at the expense of the user;
- b. Requirement to provide a certificate of liability insurance with the Town of Westfield listed as an additional insured.

10. Violations:

The Selectboard or its designee shall investigate complaints and may issue written warnings or citations as allowed under 24 V.S.A. §1974a.

- a. Abutting Landowner Concerns Regarding Violations:
 - i. Abutting landowners who believe that a violation of the directions, conditions and restrictions noted in the Class 4 Highway & Legal Trail Improvement and Maintenance Permit Application has occurred, may bring their concerns to the Selectboard at a regularly scheduled Selectboard meeting. The Selectboard will then consider those concerns along with any evidence of a violation at their next regularly scheduled Selectboard meeting.
- b. Vermont State Statute 19 V.S.A. §1111 allows the permit to be suspended under section (g) until compliance is obtained. It also allows for no less than \$100 and no more than \$10,000 per violation in accordance with the provisions of that statute.
- c. Per 24 V.S.A. §1974a, Violations may be brought to the Judicial Bureau and result in a penalty of not more than \$800 per day. Each day the violation continues constitutes a separate violation.
- d. Ongoing and delinquent civil violations will be pursued in Superior Court and may become a lien against the landowners property.

11. Change In Classification:

- a. It is the policy of the Selectboard to discourage the reclassification and/or upgrading of Class 4 Highways or Legal Trails. However, upon receipt of a petition filed pursuant to 19 V.S.A. §708, the Selectboard will consider a request to alter, reclassify or discontinue a

Class 4 Highway or Legal Trail.

- b. Reclassification or discontinuance will be done in accordance with 19 V.S.A. §708-714 & 717. A decision to alter, reclassify or discontinue a Class 4 Highway will only be made if the Selectboard determines that the public good, necessity, and convenience of the inhabitants of the Town requires such action.
- c. The Selectboard may require that the cost of upgrading a Class 4 Highway to a Class 3 Highway will be borne by those seeking the change in classification. Pursuant to 19 V.S.A. §708(b), a Class 4 Highway need not be reclassified to Class 3 merely because there exists within the Town one or more Class 3 Highways with characteristics similar to the Class 4 Highway.

12. Highway Closure:

- a. No Class 4 Highway or Legal Trail or other highway of any class may be intentionally closed by a gate or otherwise impeded by other obstruction. 19 V.S.A. §1102, 1111(b). The Selectboard may restrict the use of a highway in accordance with 19 V.S.A. §1110 and 24 V.S.A. §2291(4).

13. Compliance with Other Regulations:

- a. This Ordinance is intended to supplement state law and local ordinances. All other ordinances and policies adopted by the Town shall remain in full force and effect in accordance with 19 V.S.A. §1108 and 19 V.S.A. § 1109.

Adopted by the Westfield Selectboard on March 9, 2026.

X Jacques Couture
Jacques Couture
Selectboard Chair

X Dennis Vincent
Dennis Vincent
Selectboard

X Richard Degre
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Selectboard Vice Chair