

**TOWN OF ROCKINGHAM
USE & MAINTENANCE OF A PUBLIC RIGHT OF WAY**

WHEREAS, the Town of Rockingham, a municipality, has authority to adopt ordinances and to enforce ordinances or rules for any purposes authorized by law (24 V.S.A. 1971). The statutory procedure for adoption is found in 24 V.S.A. 1972 and 1973; and

WHEREAS, there have been complaints to and an investigation by the Selectmen who have found that certain public utility right of ways or easements are not cleared of wood, trees and other debris within a reasonable time after work is completed on the right of way; and,

WHEREAS, the Selectmen as the legislative body of the Town of Rockingham has certain powers for the regulation and protection of trees and public rights of way ... (24 V.S.A. 2506).

NOW THEREFORE, to protect the public good and convenience in the use and maintenance of a public utility right of way, the Board of Selectmen adopt the following ordinance:

SECTION 1:

No person shall leave upon a public easement cut trees, branches, tree limbs or brush when constructing or maintaining a public utility right-of-way; such cut material shall be removed from the site within five working days. No person cutting trees, branches, tree limbs or brush shall allow such cut material to remain on-site except:

- (a) If the public utility right-of-way is over or under a Town highway right-of-way, cut material may be disposed of on-site in a manner authorized in writing by the Municipal Manager, or
- (b) If the public utility right-of-way is over or under private property, cut material may be disposed of on-site in a manner authorized in writing by the landowner or his lawful agent.

SECTION 2:

Any person who violates any provision of this ordinance shall be liable for a fine of \$50.00 (fifty dollars) per day commencing five days after a person receives a written notification from the Municipal Manager that a violation exists. The fine shall accrue until the violation is corrected by removing the debris from the site and obtaining written approval by the Municipal Manager.

SECTION 3:

A violation of this ordinance or rule herein adopted by the municipality shall be a misdemeanor. This ordinance shall provide for a daily fine which will not exceed \$500.00 (five hundred dollars).

Approved and adopted by the Selectmen, Town of Rockingham, Vermont, this 19th day of March, 1990.

Dale Houston
John Lippincott
Dalton Trombley, Sr.

Selectmen, Town of Rockingham

Received by the Town Clerk for recording this 23rd day of March, 1990.

s/ Rita Bruce, Rockingham Town Clerk