

**TOWN OF RIPTON
SPECIAL REGULATIONS
GOVERNING OBSTRUCTIONS
TO HIGHWAYS**

We, the undersigned Selectmen of the Town of Ripton, pursuant to 19 V. S. A. Section 43, hereby make and adopt the following special regulations as to obstructions to highways subject to the jurisdiction of the Board of Selectmen in the Town of Ripton:

Section I. Definition of Town Highways: As used in these special regulations, Town Highways mean those highways exclusively controlled by the Town of Ripton, and includes those highways over which the State Highway Board only supervises the expenditure of the appropriations thereon.

Section II. Obstructions to Highways:

A. It shall be unlawful to develop, construct or regrade any driveway, entrance or approach, or build a fence or building, or deposit material of any kind within, or in any way effect the grade of, a highway right of way, or obstruct a ditch, culvert or drainage course that drains a highway, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right of way, without a written permit from the Board of Selectmen. The Board, using safety as the test for reasonableness, shall in no case deny reasonable ingress and egress to property abutting a highway.

B. Applications to the Board of Selectmen for permits for development or construction as described in Paragraph A above shall be on the form provided and available at the office of the Town Clerk of the Town of Ripton. The sketch required on all permit applications shall include reasonably accurate footage measurements from identifiable reference points. The application shall also include a proposed highway access plan for the entire tract of land. The Board of Selectmen may impose reasonable conditions in order to reduce the number of accesses that will be required for the tract of land including set back of any construction or improvements from the highway to allow for provision of frontage road or roads, and may require reimbursement for costs to the town or state for installation of traffic control devices or road improvements reasonably required by reason of development. In addition, the Board of Selectmen may, as development occurs on land abutting such highways, provide as a condition of any permit for the elimination of access permitted thereunder to the degree a common frontage road may make such elimination feasible and practicable.

C. **Application for Permits.** Applications for a permit for development or construction described in Paragraph A hereof, shall be deemed to have been submitted to the Board of Selectmen when four copies of a permit application in completed form with the required sketches drawn thereon or appended thereto are filed with the Town Clerk of the Town of Ripton.

The selectmen shall act to grant or deny a permit within 30 days of the filing of the application therefor, and, if the applicant so requests in his permit application, the Board of Selectmen shall grant him a hearing thereon during this 30 day period prior to their granting or denying of the permit. In the event the selectmen fail to grant or deny the permit within 30 days of filing of an application therefor, the permit shall be deemed granted.

In considering the application for the permit, the Selectmen may request a written report from the Town Road Commissioner regarding the impact of the proposed development or construction upon highway safety in the affected area. A copy of this report shall be mailed to the applicant and no final action may be taken in granting or denying the permit for at least ten days from the date of mailing of said report. The applicant may file his objections to said report in writing during this ten day period.

In granting a permit, the Selectmen may attach conditions thereto in addition to those mentioned in paragraph B including, but not limited to, conditions requiring a lessening of the grade of the proposed driveway or highway access road, requiring grading of other portions of the tract so as to promote proper drainage, and, or, visibility along the affected highway, and require posting of warning signs at the applicant's expense to promote safety on the affected highway.

Section III. **Restraining Prohibitive Acts.** Whenever the Board of Selectmen believe that any person is in violation of the provisions hereof, it may bring an action in the name of the town in a Court of competent jurisdiction against the person to collect civil penalties provided for in Paragraph IV, and seek to restrain by temporary or permanent injunction the continuation or repetition of the violation.

Section IV. **Civil Penalty.** Any person who violates the provisions of these special regulations or the terms of an order issued by a court pursuant hereto, shall forfeit and pay to the Town of Ripton on behalf of the State of Vermont, a civil penalty of not less than \$100.00 and not more than \$500.00 for each violation; provided, however, where violation or an order is of a continuing nature, each week the violation continues shall constitute a separate and distinct offense except during the time an appeal from the order may be taken or is pending.

Section V. **Effective Date.** These special regulations shall take effect 60 days from the date of their adoption.

Adopted at Ripton, County of Addison and State of Vermont this 1st day of October 1973.

Richard E. Clark
Willard N. Billings
Roger R. Tatro

Selectmen, Town of Ripton