

TOWN OF NEWBURY, VERMONT

TUCKER MOUNTAIN TOWN FOREST ORDINANCE

1. Purpose and Authority

This Ordinance is adopted by the Selectboard of the Town of Newbury under the authority of 24 V.S.A. §§ 2291(10), (14), and (15), and 10 V.S.A. Chapter 83. The purpose of this Ordinance is to regulate the use of the Tucker Mountain Town Forest in order to protect public health, safety, and general welfare; conserve the natural environment; and ensure that the Town Forest remains a clean, safe, and enjoyable space for recreation and education for all citizens of Newbury. The Tucker Mountain Town Forest shall be managed in accordance with the Tucker Mountain Town Forest Management Plan, as adopted and amended by the Selectboard. In the event of any conflict between this Ordinance and the Management Plan, the provisions of this Ordinance shall take precedence in regulating public use, while the Management Plan shall govern management and stewardship practices.

2. Definitions

For purposes of this Ordinance, the following words and phrases shall apply:

Town Forest shall mean the property owned by the Town of Newbury and known as the Tucker Mountain Town Forest, and managed under the authority of the Town of Newbury Selectboard and the Tucker Mountain Town Forest Management Committee.

Motor Vehicle shall mean any motorized, wheeled vehicle designed for the transportation of people or goods, including but not limited to automobiles, ATVs, motorcycles and ebikes.

Enforcement Officer shall mean any individual designated by the Town of Newbury Selectboard to enforce this Ordinance, including but not limited to constables, law enforcement officers, or other duly appointed municipal officials.

3. Limitation of Liability

All individuals using the Town Forest do so at their own risk. The Town of Newbury is not responsible for any theft, personal injury, property damage, or any other type of loss or damage that may occur while using the Town Forest.

4. Hours of Operation and Closure Period for Wheeled Vehicles

The Town Forest shall be open to the public from the Friday before Memorial Day to November 30, between the hours of 6:00 a.m. and 10:30 p.m. From December 1 to the Friday before Memorial Day, the Town Forest is closed to all wheeled motor vehicles and access to the Town Forest is permitted only for foot traffic and snowmobile riders on designated VAST trails, with no specified closing hours.

Violation of hours of operation or wheeled motor vehicle closure period shall constitute trespass under Vermont law in addition to violation of this Ordinance.

Vehicles left parked in the Town Forest after hours may be towed at the owner's expense.

5. Noise and Disorderly Conduct

Excessive noise, disorderly conduct, or any activity that disturbs the quiet enjoyment of the Town Forest by others is prohibited. Determination of what constitutes excessive noise or disturbance shall rest with the Enforcement Officer.

Drunken or disorderly conduct or conduct under the influence of alcohol, marijuana, or illegal drugs is prohibited at all times.

6. Littering

Littering, dumping, or disposal of trash of any kind is prohibited. All refuse must be carried out of the Town Forest.

7. Fires

No fires shall be built during any town or state fire bans. Fires shall be allowed only in the fire pit provided at the summit of Tucker Mountain. All fires must be attended to at all times while burning and fully extinguished before leaving the site. The cutting of any tree—dead or alive--or vegetation for firewood is strictly prohibited.

8. Parking

Parking is permitted only in designated areas and only during open hours. Vehicles in violation or parked after closing time may be ticketed or towed at the owner's expense pursuant to 23 V.S.A. §1102.

9. Dogs

Dogs must be leashed or under owner's control. If a dog is off leash, the owner must carry a leash to manage their dog in the presence of other users and their dogs.

Owners shall remove and properly dispose of all pet waste. Failure to do so shall constitute a violation of this Ordinance.

10. Motor Vehicles (as defined above)

With the exception of authorized maintenance vehicles, motorized, wheeled vehicles are prohibited within the Town Forest except on Tucker Mountain Road, the High Meadows Trail to the summit, or other roads or trails specifically posted as open to motor vehicles by the Selectboard. No person shall operate a motorized vehicle off designated open routes. The operation of motor vehicles is prohibited on hiking trails, footpaths, or in any area not expressly designated as open to such use.

Snowmobiles are permitted only on designated VAST corridors when a continuous snow cover of sufficient depth exists to prevent damage to soil or vegetation, as determined by the Tucker Mountain Town Forest Management Committee or its designee. Snowmobiles shall operate at safe speeds, stay within established routes, and comply with all applicable provisions of Title 23, Vermont Statutes Annotated, and any signage or closures posted by the Town.

Any person operating a motorized vehicle in violation of this section shall be subject to citation, removal of the vehicle at the owner's expense, and any applicable civil penalties provided under this Ordinance. Operation of a motor vehicle in violation of posted closures or without authorization shall constitute trespass under Vermont law in addition to violation of this Ordinance.

11. Camping: Leave No Trace

Camping within the Town Forest is prohibited except by written permit issued by the Tucker Mountain Town Forest Committee or through the Town Clerk's office acting on behalf of the Committee. Persons granted a camping permit shall comply with all conditions of the permit and all provisions of this Ordinance.

No camping stay shall exceed 3 consecutive nights, and no more than 5 persons shall occupy a single campsite. All camping shall adhere to Leave No Trace principles. No person shall build or maintain a fire except within the designated fire pit at the Tucker Mountain summit. Open fires at campsites are prohibited. The use of portable camp stoves is permitted.

No trenching, cutting, or damaging of live trees, brush, or vegetation is permitted. Campsites must be at least 200 feet from any waterbody or trail unless otherwise authorized by the Town. All personal property and equipment shall be removed upon departure. Campers shall be responsible for restoring any disturbed area to its prior condition to the satisfaction of the Town.

All refuse, including pet waste, shall be carried out of the Town Forest. Human waste can be buried 8 inches deep and at least 200 feet from any water supply.

Camping without a valid permit, or failure to comply with the terms of a permit, shall constitute a violation of this Ordinance and may result in immediate revocation of the permit, removal from the Town Forest, and the issuance of a municipal citation subject to the civil penalties provided in Section 18 of this Ordinance.

12. Commercial Uses and Events

No person, business, organization, or group shall conduct, sponsor, or advertise any organized event, commercial activity, class, guided trip, race, festival, or concession within the Town Forest without first obtaining a written permit issued by the Selectboard or its designee.

A permit shall be required for any event or activity involving more than thirty (30) participants, or for any activity conducted for profit, business promotion, or commercial instruction regardless of the number of participants. School field trips can be granted permission by emailing or calling a member of the management committee.

Permit applications shall be submitted in writing on a form approved by the Selectboard at least seven (7) days before the proposed event. The Selectboard or its designee may deny or condition a permit if the proposed use is inconsistent with the purposes of the Town Forest, poses a risk to public safety or natural resources, or conflicts with previously scheduled uses.

The Selectboard may impose reasonable conditions on any permit, including but not limited to restrictions on duration, time of day, group size, location, parking, noise levels, cleanup, waste disposal, or restoration. The Selectboard may also require:

- (1) Proof of general liability insurance naming the Town of Newbury as an additional insured in an amount established by the Selectboard;
- (2) Execution of an indemnification and hold-harmless agreement protecting the Town from any claims or damages arising from the event; and
- (3) Payment of a permit fee and security deposit to cover administrative costs, facility use, and site restoration.

The Selectboard may adopt and amend by resolution a fee and deposit schedule to recover the reasonable costs of permitting, maintenance, enforcement, and restoration associated with commercial or group use of the Town Forest.

Failure to obtain a required permit, or violation of any permit condition, shall constitute a violation of this Ordinance and may result in revocation of the permit, removal from the Town Forest, forfeiture of deposits, and issuance of a municipal citation subject to the civil penalties provided in Section 18 of this Ordinance.

13. Trails

No person shall construct, reroute, mark, blaze, clear, or maintain any trail; install, alter, or remove any sign, bridge, bench, structure, or facility; cut, remove, dig up, or otherwise damage any tree, shrub, or vegetation; move rocks, alter grades, or disturb soils within the Town Forest, except as expressly authorized in writing by the Selectboard or its designee. Any unauthorized structure, trail work, or alteration may be removed or remediated by the Town at the responsible

party's expense.

14. Resource Protection

Collection of any plant, animal, wood, fungus, mineral, soil, water sample, or natural or cultural artifact within the Town Forest shall only be done in accordance with the Tucker Mountain Community Resource Use Policy of 2024, available on the Town Forest website (tuckertownforest.org) or at the Newbury Town Office. No person shall disturb, deface, or remove any stone wall, monument, sign, or cultural or historical feature. Excavation, metal detecting, or artifact hunting is strictly prohibited. Violators shall be liable for the cost of restoration, replacement, or mitigation of any damaged resource, in addition to penalties under Section 18.

15. Hunting; Target Shooting; Trapping

Hunting is allowed in accordance with Vermont law unless an area is posted closed by the Town for public safety or resource protection. Target shooting is prohibited.

Trapping is permitted with permission from the Management Committee. Sections of the Town Forest may be posted.

Discharge of firearms is prohibited within 500 feet of parking areas and designated recreation sites.

16. Emergency Closure

The Selectboard or its designee may temporarily close all or portions of the Town Forest to protect public safety, preserve natural resources, or prevent damage during adverse conditions. Notice of closure shall be posted at access points, on the Town website, or other reasonable means of public communication. Violation of a posted closure shall constitute a violation of this Ordinance.

17. Civil Penalty; Other Enforcement

(A) Any Person who violates a provision of this Ordinance shall be subject to a civil penalty of up to \$800.00 per day under 24 V.S.A §1974a. An Enforcement Officer shall be authorized to act as an issuing municipal official to issue and pursue before the Vermont Judicial Bureau a municipal complaint. Each day a violation continues shall constitute a separate violation. An Enforcement Officer is authorized to recover Civil Penalties and Waiver Fees in the following amounts for each violation:

| | <u>Civil Penalty</u> | <u>Waiver Fee</u> |
|----------------|----------------------|-------------------|
| First Offense | \$160.00 | \$100.00 |
| Second Offense | \$320.00 | \$250.00 |
| Third Offense | \$480.00 | \$400.00 |

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| Fourth Offense | \$640.00 | \$550.00 |
| Fifth and Subsequent Offenses | \$800.00 | \$700.00 |

If the penalty for all continuing violations is greater than \$800.00, or injunctive relief is sought, the action shall be brought in the Criminal Division of the Superior Court. Each day a violation continues shall constitute a separate offense.

18. Other Laws

This Ordinance is in addition to all other ordinances of the Town of Newbury and all applicable laws of the State of Vermont, including but not limited to state statutes governing forestry, recreation, wildlife management, and environmental protection.

19. 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.

20. Effective Date

This Ordinance shall become effective sixty (60) days after adoption by the Town of Newbury Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the taking effect of this Ordinance.

Adopted this day of , 2026.

Town of Newbury Selectboard

Susan Culp, Chair

Andrew Lee

Shauna Prime