

1 **Right of Way Ordinance for Town Roads**

2 **Isle La Motte, Vermont**

3 *(Replaces Isle La Motte Town Policy – Highway Right-of-Way Widths)*

4 **Section 1. Purpose**

5 This Ordinance governs access to the Town's roads. Its primary objective is to ensure the
6 safety and convenience of both residents and the traveling public, while also safeguarding
7 the public investment in the Town's roadway infrastructure through regulated access. This
8 Right of Way Ordinance (hereafter referred to as the Ordinance) is established under the
9 authority granted to the Town by 19 V.S.A. §§ 303 and 1111.

10 **Section 2. Definitions**

11 For the purposes of this ordinance:

12 **Right of Way:** The right-of-way is the land set aside for the public road, which includes the
13 traveled way and shoulders.

14 **DOT approved sign package:** All signs must conform to the standards set by the Manual
15 on Uniform Traffic Control Devices (MUTCD). Vermont has its own specific details that
16 vendors follow for design elements like font, shape, and color.

17 **Rod:** A length of measurement equal to 16.5 feet.

18 **Road Classes:** The Town of Isle La Motte has three road classes; Class 2, Class 3, and
19 Class 4. All Classes, except for Class 4 roads, have a minimum width of 3 rods, or 49.5 feet
20 unless otherwise properly surveyed per 19 V.S.A. §702. Measurement for the right of way
21 extends from the center of the roadway to each side of the center a distance of 24.75 feet
22 in each direction.

- 23 • **Class 4 Roadways:** The Town of Isle La Motte has a total of 0.12 miles Class 4
24 roadways as follows:
 - 25 ○ 0.02 miles, northernmost end of Lighthouse Point Rd.
 - 26 ○ Westernmost portion of School St, where it intersects with West Shore Rd,
27 extending from the edge of Lake Champlain (former site of Sweet's Ferry
28 landing) east for 0.10 miles. Peter has a question about this, especially the
29 0.10 miles

30 **Section 3. Work in Town Roadways Right of Way**

31 Any work done in the right-of- way of town roadways shall conform to the following:

- 32 1. A Town Right of Way Permit must be applied for at the Town Clerk Office during
33 normal office hours and approved by the Isle La Motte Selectboard on the
34 recommendation of the Road Commissioner, or their designee. This ordinance

- 35 will be distributed with all approved permits. Said permit application can be
36 found at: Town Policy – Approval to Work in Town Right-of-Way.
- 37 2. Contractor/owner provided flagging is required.
 - 38 3. The permit must be approved 72 hours in advance of any work done on a town
39 roadway right of way except in the case of a break in any public utilities.
 - 40 4. A DOT approved sign package must be used. (Contractor/owner expense).
 - 41 5. The homeowner and contractor listed on the permit are responsible for any
42 damage to the right of way travel portion of the roadway.
 - 43 6. Any excavation close to the travel portion of the road is to be compacted in lifts
44 and inspected by the Road Commissioner or their designee.
 - 45 7. Grassed and ditch areas to be restored to original condition. (Contractor/owner
46 expense).
 - 47 8. If any road closure is required, Contractor /owner is responsible for notifying
48 emergency services.

49 **Section 4. Brush Removal in the Right of Way of Town Highways**

50 The Town maintains the Right of Way by mowing when appropriate. The Town of Isle La
51 Motte will not be responsible for any damage or destruction of appurtenances placed
52 within the Town's right of way.

53 Appurtenances include but are not limited to: decks and beach access stairs, trees,
54 shrubs, flowers, grass, fences, stonewalls, and stone posts. Anything in the right of way
55 that the Road Commissioner deems necessary for removal from the right of way for safe
56 travel and maintenance of the roads will be at the discretion of the Road Commissioner
57 and the Selectboard. Taxpayers are responsible for damage resulting from improper or
58 negligent placement of appurtenances within the Town right of way. If a taxpayer is unsure
59 where the town right of way ends, they must contact the Isle La Motte Road Commissioner
60 to determine the extent of the town right of way.

61 Use of drainage ditches or culverts (Town or private) located in the R.O.W for electrical,
62 water, phone cables or other unnatural contents is strictly prohibited. No “Grandfathering”
63 is permitted after the effective date of this ordinance.

64 **Section 5. Enforcement and Penalties**

- 65 • The Town Selectboard or their designee shall have the authority to enforce the
66 provisions of this ordinance.
- 67 • Any person found to have violated this ordinance shall be subject to a fine not
68 exceeding \$100.00 per violation.
- 69 • Each day a violation continues shall constitute a separate offense.

70 • Fines and enforcement administration may be through law enforcement.

71 **Section 6. Severability**

72 If any provision of this ordinance is held invalid by a court of competent jurisdiction, such
73 invalidity shall not affect the remaining provisions which shall continue in full force and
74 effect.

75 **Section 7. Effective Date**

76 This ordinance shall take effect immediately upon passage and publication as required by
77 law.

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80 Adopted by the Town of Isle La Motte Selectboard on 4 June 2026.

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82 Cary Sandvig - Chair 

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84 Peter Brzozowy – Vice-Chair 

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86 Joe Deller 

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88 MaryCatherine Graziano 

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90 Meredith Vincent 

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92 Adoption History

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94 1. Agenda item at regular Selectboard meeting held on 4 June 2026.

95 2. Read and approved at regular Selectboard meeting on 4 June 2026 and entered into
96 the minutes of that meeting which were approved on 17 June 2026.

97 3. Posted in five (5) public places on 8 June 2026.

98 4. Notice of adoption published in the Islander newspaper on 11 June 2026 with a
99 notice of the right to petition.

100 5. Other actions {petitions, etc.}