

**Chapter 4 HIGHWAYS AND OTHER PUBLIC WAYS AND PUBLIC PLACES\***

-----  
\*Cross reference(s)--Cemetery, App. A; the circulation plan,  
App. C, Ch. VI; zoning regulations, App. D; subdivision  
regulations, App. E.  
-----

Art. I. In General, §§ 4-1--4-15

Art. II. Transportation Construction and Improvements, §§ 4-  
16--4-50

Art. III. Recreation Path, §§ 4-51--4-65

Art. IV. Scenic Roads, §§ 4-66--4-80

Art. V. Property Numbering and Street Naming System, §§ 4-81--4-  
83

**ARTICLE I. IN GENERAL**

**Sec. 4-1. Public indecency.**

(a) *Authority.* This section is enacted pursuant to the authority granted the town to promote the public health, safety, welfare, and convenience contained on 24 V.S.A., section 2291 and section 203 of the Town of Stowe Charter. This section shall be a civil ordinance within the meaning of 24 V.S.A., chapter 59.

(b) *Purpose.* It is the purpose of this section to regulate public indecency, including public nudity, which is deemed to be a public nuisance.

(c) *Definition.* "Nudity" shall mean the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion of the nipple, or the depiction of covered male genitals in a discernibly turgid state. The definition of "nudity" shall not include a mother in the act of nursing the mother's baby.

(d) *[Prohibited acts.]*

(1) No person shall knowingly or intentionally in a public place:

- a. Engage in sexual intercourse;
- b. Appear in a state of nudity;
- c. Fondle his/her genitals; or
- d. Fondle the genitals of another person.

(2) No person who owns, leases or controls property shall knowingly allow any person to engage in the conduct described in subsection (d)(1) above at any time such property is open to the public.

(3) Subsection (d)(1)b notwithstanding, this section shall not prohibit swimming in a state of nudity in waters of the State of Vermont.

(e) *Enforcement.* Any person who violates a provision of this civil ordinance [this section] shall be subject to a civil penalty of up to five hundred dollars (\$500.00) per day for each day that such violation continues. Police officers of the town shall be authorized to act as issuing municipal officials to issue and pursue before the traffic and municipal ordinance bureau a municipal complaint.

(f) *Waiver fee.* An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

|                        |          |
|------------------------|----------|
| First offense . . . .  | \$ 50.00 |
| Second offense . . . . | 125.00   |
| Third offense . . . .  | 200.00   |
| Fourth offense . . . . | 275.00   |
| Fifth offense . . . .  | 350.00   |

Offenses shall be counted on a calendar year basis.

(g) *Civil penalties.* An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation:

|                        |          |
|------------------------|----------|
| First offense . . . .  | \$100.00 |
| Second offense . . . . | 200.00   |
| Third offense . . . .  | 300.00   |

Fourth offense . . . . 400.00

Fifth and subsequent offenses . . . . 500.00

Offenses shall be counted on a calendar year basis.

(h) *Other relief.* In addition to the enforcement procedures available before the traffic and municipal ordinance bureau, the town administrator is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

(Ord. of 9-28-98, §§ 1--8)

**Editor's note--**An ordinance adopted Sept. 28, 1998, §§ 1--8, pertained to public indecency. Such ordinance did not specify manner of codification; hence, inclusion as § 4-1 was at the discretion of the editor.

**Secs. 4-2--4-15. Reserved.**

## Article II Transportation Construction and Improvements

The Selectboard of the Town of Stowe hereby ordains:

### Section I – General Provisions

The standards listed here are considered minimum and are presented for purposes of guiding construction and maintenance personnel. The standards listed here include three types of management practices and are designed to: ensure the safety of the traveling public, minimize damage to road infrastructure during flood events, and enhance water quality protections by minimizing sediment delivery to surface waters and/or wetlands. The Selectboard reserves the right to modify the standards for a particular project, where, because of unique physical circumstances or conditions, there is no possibility that the project can be completed in strict conformance with these provisions. Any modifications to the standards must be done in a manner that protects the underlying intent of the management practice, be it public safety, flood hazard avoidance, or water quality protection. Fiscal reasons are not a basis for modification of the standards.

### Section II – Roads and related improvements

Any new road, whether or not that road is proposed to be conveyed to the town, shall be constructed according to the minimums of these standards. If any federal and/or state funding is involved in a project, the VTrans district office will be notified prior to any field changes taking place that would alter the original scope of work.

- a. All new or substantially reconstructed roads will have at least a 15-inch thick processed gravel subbase, with gravel roads having the top 3 inches (minimum) as crushed gravel.

- b. All roadways will be graded so water does not remain on the road surface. For roadways that are not superelevated, this generally means a 2-4% ( $\frac{1}{4}$ " -  $\frac{1}{2}$ " per ft) crown for gravel roads and a 1-2% ( $\frac{1}{8}$ " -  $\frac{1}{4}$ " per ft) crown for paved roads to promote sheeting of water.
- c. Proper grading techniques for gravel roadways will be used to avoid creating a ridge or berm between the crown and the ditch.
- d. Any berm along the roadway shoulder that prevents the proper sheeting of water will be removed.

### Section III - Ditches and Slopes

Soil exposed during ditch and slope construction or maintenance will be treated immediately following the operation. Priority should be given to areas vulnerable to erosion immediately adjacent to or discharging to surface waters and/or roadway drainage facilities. The following are minimum erosion control measures:

- a. Seed and mulch ditches with grades less than 2%. Use biodegradable, non-welded matting and seed on ditches with grades between 2% and 5%. Stone line all ditches with grades greater than 5%; alternatively, install stone check dams. Dams should be comprised of a well graded stone matrix 2 to 9 inches in size. Dams should not exceed 2 feet in height and check dam crest should be at least 6" below the top of the ditch.
- b. Create parabolic (wide "U" shaped) ditches when constructing new or substantially reconstructing ditches, rather than narrow "V" shaped ditches. Ditches with gradual side slopes (maximum 2H: 1V ratio) and a wide bottom (at least 2 feet) are preferred.
- c. Use biodegradable, non-welded matting to stabilize side-slopes where slopes are greater than 1:1; apply seed and mulch to any raw or exposed side-slope if slopes are less than or equal to 1:1.
- d. Ditches should be turned out to avoid direct outlet into surface waters. There must be adequate outlet protection at the end of the turnout, either a structural (rock) or vegetative filtering area.

### Section IV - Culverts and Bridges

- a. All new driveway culverts will have a minimum diameter of 15 inches.
- b. All new roadway culverts will have a minimum diameter of 18 inches.
- c. Any culvert with a drainage area greater than 0.25 sq mi will require a hydraulic engineering study. Culverts will be designed to convey the Q25 design storm with minimal surcharge.
- d. All bridges (structures with spans greater than 6 feet) and open bottom structures will require a hydraulic engineering study. Structures will be designed to convey the Q25 design storm and allow for passage of ice and debris.
- e. When installing or replacing culverts, use appropriate techniques such as headwalls and wingwalls, where there is erosion or undermining or where it may occur.
- f. Install a splash pad or plunge pool at the outlet of drainage culverts where there is erosion or where erosion may occur. Splash pads and plunge pools are not appropriate for use in streams supporting aquatic life.

### Section V – Guardrails

When roadway, culvert, bridge, or retaining wall construction or reconstruction projects result in hazards such as foreslopes, drop offs, or fixed obstacles within the designated clear-zone, a roadside

barrier such as guardrail shall be installed. The most current version of the AASHTO Roadside Design Guide will govern the analysis of the hazard and the subsequent treatment of that hazard.

#### Section VI - Access Management

The town will have a process in place, formal or informal, to review all new drive accesses and development roads where they intersect Town roads, as authorized under 19 V.S.A. Section 1111. Towns may reference VTrans A-76 Standards for Town & Development Roads and B-71 Standards for Residential and Commercial Drives.

#### Section VII - Training

Town highway maintenance crews will collectively attend a minimum total of 6 hours of training per year on best road management practices. The town will keep documentation of their attendance.

#### Section VIII - Completion

Completion of the road must be one (1) year if it is a gravel surface or two (2) years if it is a paved surface before it can be considered for acceptance by the town.

#### Section IX - Petitions for acceptance

Petitions for acceptance of any road as a town highway must be prepared and processed in accordance with the provisions of Title 19, Vermont Statutes Annotated. No procedure called for in these specifications and rules should be interpreted to prejudice the Selectboard in their independent responsibility under Title 19, Vermont Statutes Annotated to determine if the convenience of the inhabitants and the public good require that any highway be laid out, altered or discontinued.

#### Section X - Inspection

Inspection during all phases of road construction will be conducted by the road commissioner or his/her designated agent and it shall be the responsibility of the person constructing the road to arrange a mutually agreeable inspection schedule with the road commissioner. The inspection schedule will include an inspection of the gravel road one (1) year after its completion and, if paving is required, an inspection of the paved road one (1) year after its completion. Failure to provide for proper inspection may at the discretion of the Selectboard result in no further consideration being given to acceptance of the road by the town.

Article II approved 4/11/11

### **ARTICLE III. RECREATION PATH**

#### **Sec. 4-51. Restrictions on vehicles.**

(a) With the exception of motorized wheel chairs and other vehicles specifically designed for and operated by mobility impaired individuals, no motorized vehicles shall be operated upon or along the recreation path at any point except authorized vehicles of public safety, emergency and maintenance departments. Motorized vehicles include, but are not limited to, those described as motor vehicles in Title 23 of Vermont Statutes Annotated and the term shall also

include mopeds, homemade bikes, go-carts, farm vehicles and snowmobiles.

(b) In addition, nonmotorized conveyances such as skateboards are also prohibited.

(Ord. of 12-10-84, § 1; Ord. of 6-20-88)

**Sec. 4-52. Use of recreation path.**

The use of the recreation path is limited to hikers, bicyclists, joggers, walkers and cross country skiers and in-line skaters. Dogs not on their owner's premises are prohibited on the recreation path and in its parking areas, unless secured by an attached leash to a competent and responsible attendant.

(Ord. of 12-10-84, § 2; Ord. of 9-28-98)

**Sec. 4-53. Camping prohibited.**

No camping shall be allowed within the area of the recreation path or its parking areas.

(Ord. of 12-10-84, § 3)

**Sec. 4-54. Snowmobiles.**

Snowmobiles may use a recreation path bridge only if annually the Stowe Snowmobile Club, Inc. obtains permission in writing for such a purpose from the landowners at each end of a bridge.

(Ord. of 12-10-84, § 4)

**Secs. 4-55--4-65. Reserved.**

**ARTICLE IV. SCENIC ROADS\***

-----  
\*Editor's note--Inclusion of a nonamendatory ordinance adopted November 14, 1988, §§ 1--5, as Art. IV, §§ 4-66--4-70, was at the editor's discretion.  
-----

**Sec. 4-66. Designation of scenic roads.**

(a) There are three (3) ways in which to initiate the designation of a scenic road:

(1) Recommendation of the planning commission to the selectmen. The planning commission will consider

requests to evaluate and consider a road or portion thereof for scenic designation on its own initiative, or upon the request from three (3) or more registered voters. The planning commission will have a subcommittee called the scenic road committee which shall evaluate roads based on the "Criteria for the Designation of Scenic Roads" and propose roads for planning commission recommendation to the selectmen.

(2) Initiative of the selectmen.

(3) Petition by registered voters to the selectmen pursuant to the provisions of 24 V.S.A. § 1973.

(b) The board of selectmen may, after one (1) public hearing warned for that purpose, designate or discontinue any town highway or portion of a town highway as a scenic road. The selectmen will make their decision within thirty (30) days of the public hearing. The purpose of the hearing will be to receive comment from all sectors on the proposed action regarding scenic roads.

(c) The public hearing will be noticed as regular selectmen's meetings are noticed except that a notice shall appear in the paper prior to the hearing giving the time of the hearing and the hearing's purpose. Land owners adjacent to the road which is the subject of the hearing will be given written notice by first class mail at the address their tax bills are sent to. The entity or party recommending, initiating or petitioning for the hearing will supply the selectmen with a list of the adjacent land owners with their addresses so that notices may be sent prior to the hearing.

(d) The criteria to be used by the selectmen in designating scenic roads shall be those contained in Appendix F of the publication entitled "Designating Scenic Roads: A Vermont Fieldguide" (Vermont Scenery Preservation Council/Vermont Transportation Board, June 1979), which publication shall also serve as the official guide for the use of the designated criteria.

(Ord. of 11-14-88, § 1)

**Sec. 4-67. Identification of town scenic roads.**

(a) Selectmen shall identify designated scenic roads on the Annual Certificate of Highway Mileage (HD-301) filed pursuant to 19 V.S.A. § 305(b). At the time a road is designated as a scenic road, the criteria responsible for this designation shall be clearly identified and recorded in the land records.

(b) Selectmen shall include proposed expenditures on scenic roads,

if any, in the Town Highways Annual Plan (HD-52 rev.) filed pursuant to 19 V.S.A. § 306(e). If an annual plan includes such proposed expenditures, a copy of the plan shall be submitted to the planning commission.

(Ord. of 11-14-88, § 2)

**Sec. 4-68. Maintenance, reconstruction and modification of town scenic roads.**

*(a) Maintenance.*

(1) Scenic roads will be maintained as nearly as possible in the condition which existed at the time of designation; that is, (i) the essential components such as width, alignment and grade of surface will not be changed materially; (ii) elevations and locations of ditch lines shall remain constant except for minimal adjustment required by normal cleaning operations; and (iii) the roadway surface shall not be changed except for graveling or retreatment.

(2) Permitted roadside maintenance shall be detailed at the time of designation. Normally this would be restricted to the removal of dead trees and brush cutting to protect established views. For example, if scenic or panoramic views are the reason for the designation, underbrush and small trees shall be removed as necessary to protect the view. If the designation was created because of stone walls or similar unique roadside features, these factors should be noted and maintenance activities adjusted to protect and enhance them.

(3) The book titled "The Vermont Back Road/Erosion Control Handbook" (Ottawaquechee Regional Planning and Development Commission, 1979) is adopted as the official guide for maintenance. Nothing contained in these rules and regulations shall relieve the town of its responsibilities as defined in 19 V.S.A. § 310.

*(b) Reconstruction.*

(1) When modification of a scenic road is required by change in the function or use of the road, or as the result of a natural disaster, the legislative body and planning commission shall investigate the impact of such modification on the criteria responsible for the scenic designation.

(2) Scenic roads determined to require reconstruction shall be designed and constructed in accordance with Agency of Transportation Standard A-65 and in accordance with

the techniques and recommendations contained in the booklet, "The Vermont Back Road/Erosion Control Handbook" (Ottauquechee Regional Planning and Development Commission, 1979).

- (3) The legislative body may grant a variance from these standards if considered necessary for the preservation of specific scenic features.

(c) *Modification.*

- (1) Before modifications are made to a scenic road, the legislative body shall conduct a hearing, following the public notice procedure outlined in section 4-66(c), to discuss the effects of the proposed modification and the possible removal of the road from the scenic classification.
- (2) A detailed plan of the proposed modification, including measures to minimize adverse effects, shall be presented at the public hearing. The road commissioner and planning commission shall be consulted prior to the public hearing for the purpose of receiving opinion on the effect of the proposed improvement relative to the road's scenic designation. At the hearing, the legislative body shall describe the effect of the proposed modification on the criteria responsible for designation and shall receive testimony from the public.

- (d) *Action by legislative body.* After considering all available information and testimony, the legislative body shall determine if the need for the proposed modification is sufficient to justify any reduction in the scenic quality of the road, and shall publicize its decision.

If it is determined that the proposed modification will result in the elimination of the scenic quality of the road so that it will no longer meet selection criteria, the legislative body may proceed to discontinue the road's scenic designation in accordance with 19 V.S.A. § 2502.

(Ord. of 11-14-88, § 3)

**Sec. 4-69. Emergency repairs.**

In the case of a natural disaster where the road becomes impassable or unsafe for public travel and access must be provided, maintenance and/or reconstruction standards may be suspended with the approval of the legislative body for the purpose of emergency repairs. Notice of this action shall be submitted in writing within three (3) days to the local planning commission. A detailed report of the reports and the effect on

the scenic criteria shall be submitted to the planning commission within thirty (30) days following completion of repairs.

Emergency repair operations should be conducted in a manner which will avoid or reduce adverse effects on the criteria responsible for designation. In emergency situations, the concern for the public good and safety will be given precedence over scenic considerations.

(Ord. of 11-14-88, § 4)

**Sec. 4-70. Signing of scenic roads.**

Signs as required for purposes of traffic safety shall be in accordance with "The Manual on Uniform Traffic Devices for Streets and Highways" (Federal Highway Administration).

(Ord. of 11-14-88, § 5)

**Secs. 4-71--4-80. Reserved.**

**ARTICLE V. PROPERTY NUMBERING AND STREET NAMING SYSTEM\***

-----

**\*Editor's note**--An ordinance adopted July 9, 1990, §§ 1--3, pertaining to property numbering and street naming, did not specify manner of codification; hence, such provisions have been included by the editor as Art. V, §§ 4-81--4-83.

**Cross reference(s)**--Municipal plan for town and village, App. C; zoning, App. D; subdivision regulations, App. E.

-----

**Sec. 4-81. Numbering of buildings.**

Buildings will be assigned a number based on a mileage system converted to decimals. This system converts the mileage of a building from the beginning of a road (whole mileage and decimal portion of a mile) into a four-digit whole number. The beginning of a road is the end which is closest ("as the crow flies") to the intersection of Routes 100/108. Dead-end roads may be an exception with the numbering starting at the road's entrance. A property must have frontage along a given road in order for the property to be numbered as part of that road. New buildings will be assigned numbers by the Town of Stowe planning department when building permits are issued. The "Stowe Address and Street Name Reference Map" will be maintained by the planning commission. The board of selectmen shall recommend that the public affix or inscribe numbers that are visible from the road on all buildings assigned a street address. For buildings that are not visible from the road, a vertical number post should be

placed at the driveway entrance. Building numbers shall be affixed to all mailboxes.

(Ord. of 7-9-90, § 1)

**Sec. 4-82. Naming of roads.**

All public and private roads will be named based on a historical/political/geographical context. Names for new public streets/roads will be approved by the board of selectmen in consultation with the Stowe Planning Commission and the Stowe Historical Society. The naming of all private roads will be based on the same principle of utilizing a historical/political/geographical context. Names will be approved at the time of final site plan or subdivision approval. Private road signs shall be erected by the developer or owners association. The planning commission will maintain an official listing and map of roads.

(Ord. of 7-9-90, § 2)

**Sec. 4-83. Coordination with town services.**

Building numbering and road naming information will be developed in coordination with the Stowe Post Office, the Stowe Fire, Police, and Highway Departments, the Stowe Rescue Squad, the town and village clerks offices, the village trustees, the board of selectmen, and other town/village departments. Regular updates of new buildings and roads will be provided to each group.

(Ord. of 7-9-90, § 3)