

TOWN OF MONTGOMERY
COVERED BRIDGE ORDINANCE
Adopted by the Montgomery Selectboard: November 6th 2017
Effective Date: January 5th 2018

SECTION I – AUTHORITY

Under the authority granted in 24 V.S.A. §1971 and consistent with 23 V.S.A. §1400a, the Town of Montgomery Selectboard hereby adopts the following Civil Ordinance regulating the use of Historic Covered Bridges within the boundaries of the township.

SECTION II – PURPOSE

This Covered Bridge Ordinance is adopted to protect and safeguard the town’s historic covered bridges, a major economic and social asset of the taxpayers, to discourage the use of such bridges by overweight and oversized vehicles that can damage and destroy them, and to provide a means for restitution to the town to cover the costs of repair or replacement.

SECTION III – DEFINITIONS

1. “Covered Bridge” is defined as any of the six historic covered bridges built during the 19th Century in the town Montgomery, and at the time of this ordinance includes Longley Bridge, Comstock Bridge, Fuller Bridge, Hutchins Bridge and Creamery Bridge. Hectorville Bridge, currently in storage and the time of this Ordinance’s passage, will also be covered by this Ordinance once moved to a final location.
2. “Damage” refers to any breakage of wooden or metal sections of the Covered Bridge, it’s foundation, abutments or other sections. It also refers to any impact that an engineer or transportation professional may adjudge has made the bridge unsafe to use or prevents it from carrying a proper load.
3. “Side Height” is designated as the posted height in feet and inches to provide clearance at the Covered Bridge’s lowest point, usually on the sides of the bridge opening.
4. “Driver” is defined as any person operating a motor vehicle, or the company employing that driver, if the driver is operating the motor vehicle on behalf of a private company or organization.

SECTION IV – FINES

Consistent with 23 V.S.A. §1434, any Driver who shall drive a motor vehicle onto or across any of the Covered Bridges within the Township of Montgomery whose vehicle exceeds the posted minimum height, width and/or weight limitations shall be subject to a fine in the amount of \$300 for the first offense, \$600 for the second, and \$800 for any subsequent offense.

SECTION V – RESTITUTION

Any Driver who shall drive a motor vehicle onto or across any of the Covered Bridges within the Township of Montgomery whose vehicle exceeds the posted minimum height, width and/or weight limitations shall, in addition to the payment of the fine referenced in Section IV, be

subject and pay the full cost of restoring the damaged bridge to its condition prior to the violation.

SECTION VI – FAILURE TO PAY

Should any Driver or Person shall be found in violation of this Ordinance and not pay the fine required in Section IV and/or shall not pay the restitution required in Section V, the Town of Montgomery shall be authorized to enjoin or place liens on property or other assets to satisfy the obligation.

SECTION VI – SIGNS

The Town of Montgomery Roads Department is directed to ensure that adequate signage is maintained showing the height, width and weight limitations of each bridge, and warning potential violators of the fines and penalties provided by this ordinance.

SECTION VII—EFFECTIVE DATE

This ordinance shall become effective no earlier than sixty (60) days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

SECTION IIX—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.

Board of Selectman
Town of Montgomery

Charlie Hancock, Chairman

Darren Drevik, Vice Chairman

Mark Brouillette

Colin Sorenson

Jacob Rascusin

Montgomery Town Clerk’s Office received for record this _____ day of _____, A.D.,
2017 at _____ P.M. Attest: _____

1. **Agenda Item at Regular Selectboard Meetings on:**
 - November 6th 2017
 - October 16th 2017
 - October 2nd 2017
 - September 18th 2017
 - September 4th 2017
 - August 21th 2017
 - August 7th 2017

2. **Read and approved at regular Selectboard meeting on November 6th 2017, and entered into the minutes of that meeting**

3. **Posted in at least 5 public places on November 9th 2017**
 - Place: Village Post Office
 - Montgomery Center Post Office
 - Public Safety Building/Temporary Town Office
 - Sylvester's Market
 - Jolly Market (Valero, formerly the Sticks)

4. Notice of adoption published in St. Albans Messenger on November 13th with a notice of right to petition as provided in 24 V.S.A. § 1973

5. **Effective Date:** January 5th 2018