

TOWN OF BRADLEY
TOWNWAY ENTRANCE ORDINANCE

EFFECTIVE APRIL 1, 1991

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TOWNWAY ENTRANCE ORDINANCE

The Bradley Town Council, pursuant to Title 23, Maine Revised Statutes Annotated, Section 2701-3701, does hereby adopt this Ordinance relating to Entrances to Townways.

A written application shall be submitted for permits for Entrances to Townways under the jurisdiction of the Town of Bradley. Approval of said application will be subject to the following provisions:

1. That any driveway or approach constructed is for the bonafide purpose of securing access to his/her property.
2. That no entrance constructed on the right-of-way as an exercise of an Entrance Permit shall be relocated or its dimensions altered without the written permission of the Code Enforcement Officer or his/her authorized agent.
3. That the applicant/permittee agrees to hold harmless the Town of Bradley and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of an Entrance Permit.
4. The design and construction of the driveway shall be in accordance with the following:
 - a. All entrances shall be so located that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the Townway, so they may maneuver safely without interference with traffic. Sight distance is defined as follows: 250 feet in either direction using a three and one half foot eye level ten feet back from the gutter looking at a four and one half foot high object.
 - b. Occupancy of the Town Road Right of way is prohibited.
 - c. The grade of the driveway shall slope away from the Townway surface, unless a Code Enforcement Officer variance is obtained. Surface drainage shall be provided so that all surface water on the areas adjacent to the highway shall be carried away from the highway.
 - d. Drainage in Townway side ditches shall not be altered or impaired, and the applicant/permittee must provide at his/her expense, suitable and approved culverts at all driveways as deemed necessary by the Code Enforcement Officer or his/her authorized agent.
 - e. The culvert underneath the driveway shall be adequate in composition and size to carry the water in the Townway side ditches. Size adequacy and culvert

composition shall be approved by the Code Enforcement Officer or his/her authorized agent prior to installation of the culvert, but in no instance shall the culvert be less than 15 inches in diameter.

- f. The applicant must file a written permit application showing a sketch of the location and width of the proposed driveway in relation to the entrance of the Townway and the applicant's property.
5. Penalties: In accordance with Title 23, Maine Revised Statutes Annotated, Sections 2701-3701, whoever willfully violates any of the provisions of this Ordinance shall be punished for the first offense by fine of not more than \$50.00 and costs, and for each subsequent offense by a fine of not more than \$100.00 and costs, and shall be further liable for double the amount of actual damage, to be recovered in any action on the case by the Municipality. All fines recovered under this section shall be paid to the Treasurer of the Municipality where such offense is committed and shall thereafter be expended in the construction and maintenance of public ways or drains therein. In all prosecutions under this section, the District Court shall have, upon complaint, jurisdiction concurrent with the Superior Court.
6. Enforcement: In accordance with the Title 23, Maine Revised Statutes Annotated, Section 2701-3701, every Municipal Officer of a municipality when his/her attention is directed to any violation of the provisions of this Ordinance within his/her jurisdiction, shall enter complaint against the offender and prosecute the same to final judgement.
7. Appeals: The Board of Appeals of the Town of Bradley shall have the authority to review any permit application denied by the Code Enforcement Officer. The applicant shall make a written request for review by the Board of Appeals within thirty (30) days of the receipt of notice of the decision made by the Code Enforcement Officer regarding the Townway Permit application. The Board of Appeals shall review the Townway Permit application within thirty (30) days of the receipt of a request for review. Upon review of the application, the Board of Appeals shall have the authority to grant variances of the provisions of this Ordinance for specific unforeseen individual circumstances. The Board of Appeals shall render a decision to the applicant as to the approval or denial of a Townway Permit in writing.
8. Fees: The fee for all townway Permits shall be \$1.00
9. Duration of Permit: A Townway Entrance Permit shall be valid for a period of six months from date of issuance.
10. Severability Clause: If any section, subsection, paragraph, sentence, clause, or phrase of the Ordinance should be declared invalid for any reason, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

11. Effective Date: This Townway Entrance Ordinance shall be in full force and effect according to the provisions set forth by the Bradley Town Charter (Section 9).