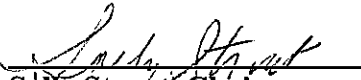
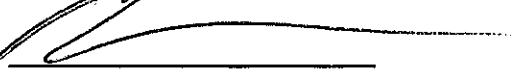


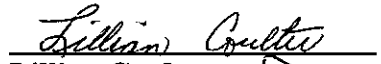
TOWN OF BRADLEY
CULVERT ORDINANCE

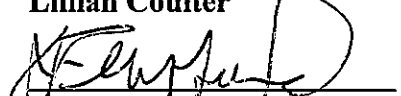
Approved by the Bradley Town Council at a duly called meeting on 11/1/06


Sally Strout, Chairperson

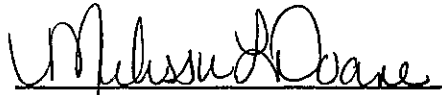

Oscar Emerson


Audrey Wilcox


Lillian Coulter


J. Frederick Gifford

A True Copy Attest:


Melissa L. Doane, Bradley Town Clerk

Town of Bradley
Town Culvert Ordinance

THE TOWN OF BRADLEY HEREBY ORDAINS that the following ordinance shall be adopted to govern the installation of culverts:

Article 1: Title and Purpose

This ordinance shall be known and may be cited as the "Culvert Ordinance" of the Town of Bradley, Maine and will be referred to herein as the "Ordinance". It is enacted by the Town of Bradley to establish standards for the issuing, sizing and installation of culverts. The Town of Bradley wishes to ensure the proper issuance of permits, and the installation and sizing of culverts located on Town ways to protect the drainage ways and roads of the Town of Bradley, as well as the health, safety, and welfare of its residents.

Article 2: Definitions

- A. TOWN WAY is defined as a road accepted as a town road by the Voters of the Town or the Bradley Town Council and or a road over which the public has an easement to travel.
- B. TOWN AGENT is defined as the administer of this Ordinance and shall be duly appointed by the Town Council.

Article 3: Authority and Administration

- A. **Authority**
This ordinance is enacted under the authority granted to the Town by the Constitution and the statutes of the State of Maine and the Charter of the Town of Bradley.
- B. **Effective Date**
This Culvert Ordinance shall be in full force and effect according to the provisions set forth by Article III Section 9 of the Charter of the Town of Bradley.

Article 4: Applicability

This Ordinance shall apply to all culverts installed or constructed in the Town of Bradley right of way as of the effective date of this Ordinance. Any culvert found to be in violation of this or any other ordinance of the Town of Bradley shall be subject to the penalties found in this ordinance or any other applicable ordinance of the Town.

Article 5: Severability

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.

Article 6: Conflict with other Ordinances

This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, bylaw, or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings, or structures, the provisions of this Ordinance shall prevail.

Article 7: Permits

A. Town Way:

No person shall construct, modify or install a culvert(s) within the Town Way easement without first securing a permit to do so from the Town Agent.

B. Permit Review:

The Town Agent shall have no less than seven (7) working days to make review of the permit application for material and design requirements. The Owner shall have clearly marked the desired location of the culvert in advance of the seven-(7) day review period. If the Town Agent issues a permit, the applicant/owner must notify the Town Agent upon completion of the culvert so that the Town Agent shall inspect. If the Town Agent is satisfied that the installation is in accordance with all relevant town ordinances/policies and state statutes, the Town Agent will issue a certificate of acceptance.

C. Permit Form:

The application for permit shall be supplied by the town and shall include a section where the owner must provide a sketch showing the location and the proposed culvert in relation to the entrance of the town way and the applicant's property. The permit is designed to ensure proper compliance with the Ordinances of the Town of Bradley. The permit includes a section for the approval of the design and size of the culvert; and another section for final approval upon construction of the culvert installation.

D. Permit Fees:

Persons making application for a permit shall be subject to a \$25.00 fee.

E. Permit Expiration:

The permit shall expire one year from the date of issuance. If work is not completed a new permit and permit fee shall be required. The second signature on the permit shall verify completion. The second signature confirms completion of the work in accordance with the applicable ordinances of the Town of Bradley. The Town Agent shall be the official to sign this portion of the permit. The Town Agent will keep a copy of the completed permit for record purposes. A copy of the permit will also be forwarded to the Road Commissioner for his/her records.

Article 8: Responsibilities

A. Property Owner responsibility

1. It shall also be the responsibility of the owner to pay for and install the first culvert. Property owner shall keep culvert free of obstruction and report any problems with the culvert such as worn surface gravel.

2. It shall also be the responsibility of the owner, in the case of a new entrance or change to use entrance onto a State Highway, to acquire an Entrance Permit from the Department of Transportation. This permit shall accompany the Culver Permit Application

B. Town Responsibility

It shall be the responsibility of the Town to replace or reset all culverts after the first culvert is installed, when replacement is needed as determined by the Town. The Town will not be obligated to replace a culvert if it was incorrectly installed, not of the correct type as required under this Ordinance, or damaged through the negligence of the owners, or the owners invitees or agents. The Town will also not be responsible for damage to driveways caused by the movement of culverts. The Town will not be responsible for the preservation of decorations within the town's right-of-way as well. The Town shall not be responsible for re-pavement of driveways as a result of culvert replacement.

Article 9: Design Standards and Criteria

A. Culvert Standards

Culverts are required at all Driveway Openings, Curb Cuts, and Road Entrances. It may be determined at the time of application that a culvert is not required. The Town Agent will determine this. If it is determined that a culvert is not needed at the time of application for a permit, then this does not waive the Town's right to require a culvert at a later time due to future road reconstruction or drainage needs. It will be the responsibility of the owner to pay for the installation and the cost of the first culvert in

these cases. Only culvert types as listed in subsection 1 on the next page are allowed. Any permitting official may issue a waiver for any of the provisions found in section 8 with the permission of the Road Commissioner.

1. Types of culverts allowed.

- a. Aluminized Type 2 or higher grade – Culverts of this type are allowed to be used under this Ordinance.
- b. Smooth Interior Plastic N-12 or higher grade – Culverts of this type are allowed to be used under this Ordinance.

2. Culvert Sizing Criteria

Culvert size shall be determined by the Town Agent by considering the size of culverts located upstream and downstream in the ditch line and the land area being drained.

1. The minimum diameter of all driveway culverts will be 15 inches. The Town Agent may determine that a smaller culvert is necessary and will authorize on the permit.
2. The length of the culvert will be determined by the width of the driveway as designed in accordance with all relevant ordinances of the Town of Bradley. The maximum length of any residential culvert will not exceed 24'. If due to the individual circumstances of a property the Town Agent determines that it is a necessity for a residential culvert to exceed 24', the Town Agent may issue a waiver of this provision of the ordinance, however the owner agrees to be bound to the same standards as indicated in this ordinance for commercial properties.
3. All culverts must be placed at least ten (10) feet from the property lines.
4. Entrances to commercial properties may exceed twenty-four (24) feet provided that the owner(s) accept full responsibility for installation according to the requirements of this ordinance as well as responsibility for all future maintenance, replacement, or damage to the road "right-of-way".

B. Culvert Installation

The following installation practices shall be strictly followed in order to ensure proper culvert performance and to prevent damage:

1. Culverts shall be installed at the bottom of the ditch line. Drainage in the town's side ditches shall not be altered or impaired.
2. Appropriate cover is to be determined by Town Agent, and will be noted on the permit by said agent.
3. All fill material must be compacted around and over the culvert pipe in 8 inch layers to prevent seepage along the pipe and reduce settlement of the driveway over the culvert. Backfill should be clean gravel and compacted in such a way as to prevent drainage into the road. Special care and compaction should be used on the bed and around the haunches of the culvert.
4. The inlets and outlets of all culverts should be stabilized to prevent erosion. Recommended methods are rip-rap or seeding. The Town recommends a minimum of 5" rocks or equivalent.
5. Other standards of installation may apply depending on the type of bedding soils the culvert is placed on. If this is the case, then the Town may require the use of a different bedding material.
6. Upon completion of the installation, it is the responsibility of the owner to contact the Town Agent to inspect.

Article 10: Enforcement

The Town Agent shall be responsible for the enforcement of this ordinance. This ordinance shall be enforced pursuant to the provisions of 30-A MRSA § 4452 and the violator shall be liable for civil penalties and payment of The Town's reasonable attorney fees and costs incurred in bringing suit.

Article 11: Penalties

The proper installation method and culvert approved by the Town Agent must be used. Failure to comply with any provision of this ordinance may carry fines up to \$500 and may require removal of any illegally constructed driveway and or culvert at the owner's expense. It is important that the landowner keep a copy of the permit for proof of correct installation and sizing of the culvert. If it is determined that the Opening was not designed or culvert was not installed in accordance with this Ordinance, then the town may refuse to replace the culvert upon failure, refuse to fix any washout conditions found to be caused by faulty installation, or may remove the culvert altogether. Any reinstallation or replacement will be the responsibility of the owner. The Owner shall reimburse the Town for any costs borne by it due to the owner's noncompliance with the requirements of this ordinance. Driveway entrances constructed in violation of this ordinance that cause damage to a Town Way, will subject the property owner to liability for payment of reasonable roadway repairs.

Article 12: Appeals

Any applicant who has applied for a Town Way Entrance Permit and has been denied, or feels aggrieved by the denial, the conditions of the permit or the permit fee imposed, may appeal the decision of the Town Agent by applying to the Board of Appeals, in writing, stating the basis for the appeal, within 30 days of issuance of the permit or receipt of the notice of decision made by the Town Agent. The fee for such an appeal shall be \$50.00 and must accompany the request for appeal. The Board of Appeals shall review the entrance permit application within thirty (30) days of the receipt of the request for review. The Board of Appeals may only reverse the decision of the Town Agent if it was clearly contrary to the provisions of this ordinance. The Board of Appeals shall render a decision in writing to the applicant as to the approval or denial of a Town Way Entrance Permit. If the decision of the Town Agent is overturned, in whole or in part, the Town shall be required to refund the appeal fee of \$50.00.

TOWN OF BRADLEY CULVERT PERMIT APPLICATION

PROPERTY OWNER'S NAME: _____ TELEPHONE #: _____

STREET AND NUMBER: _____ MAP AND LOT: _____

In accordance with the Town of Bradley Culvert Ordinance, application is hereby made to install a culvert(s) on my property on the (North, South, East, West - Circle One) side of the following local roadway _____ in the Town of Bradley, Maine.

****Please complete a sketch on the back of this application showing the location and width of the proposed culvert in relation to the entrance of the town way and the applicant's property.

Please answer the following questions:

Proposed Width of Actual Passable Opening _____ ft.

Total Proposed Linear Length of Driveway from Edge of Road _____ ft.

Surface of the Abutting Roadway is _____ (gravel, stone, hot top, etc.)

This permit application or any permit issuing therefrom does not preclude the applicant from meeting applicable state and federal rules, statutes, and guidelines, which may differ from local ordinances. It is your responsibility to check. Permits will expire if the work is not completed within one (1) year of the permit date. False information can invalidate a permit and stop work on the project. Any work performed under permission granted by this PERMIT must conform to all the provisions of all ordinances in effect on the date of this permit, unless permission for non-conformance has been granted by the Authority granting the permit.

I certify that I have read and understand all the details of the TOWN OF BRADLEY TOWN AND CULVERT ORDINANCE.

I understand that my signature grants permission and gives my express consent for the Town Agent and Road Commissioner or his agent(s) of the Town of Bradley to enter onto my property for the purpose of performing inspections, during normal working hours, of the construction and final completion of the project.

I certify that I have obtained all other required permits and approvals from all other State and Federal agencies. Further, I hold the Town harmless from any damages, fines, and penalties which may arise from this work, and save harmless and indemnify the Town against all suits, claims, damages and proceedings of any kind arising out of the construction and maintenance of said driveway entrance. I have read, completed, and understood all of the above:

***SIGNATURE** _____ **DATE** _____

****Please turn the application over and complete the plot plan sketch on the back.

Application for Permit Plot Plan

This plan must be completed accurately as part of your application. It must show the location of the proposed culvert along with the elevation and grade levels.

FOR STAFF USE ONLY

Application Received (Date) _____ By _____

Lot of Record Y _____ N _____ Conforming Y _____ N _____ Subdivision Y _____ N _____

Approved (YES) (NO), By: _____ Title _____ Date: _____

Minimum amount of coverage fill over culvert for installation _____

If "NO", referred Board) Date: _____

Variance Approved (YES) (NO) Date: _____ **PERMIT NUMBER** _____

Permit Fee: Applicant has paid a fee according to the following schedule:

First Culvert on property	\$25.00
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TOTAL PERMIT FEE: \$ _____

Notice is hereby given that the Municipal Officers of the Town of Bradley will hold a public hearing on November 1, 2006 6:00 p.m. at The Municipal Building 165B Main Rd Bradley to hear public comment on the following:

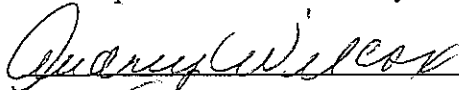
**ORDINANCE RESTRICTING VEHICLE WEIGHT ON POSTED WAYS
CULVERT ORDINANCE
SHORELAND ZONING ORDINANCE
NOTICE OF WINTER PARKING REGULATIONS
GENERAL ASSISTANCE ORDINANCES APPENDIXES A, B, & C FOR THE YEARS 2006-2007**

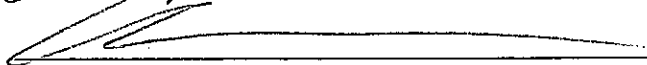
RETURN ON THE NOTICE

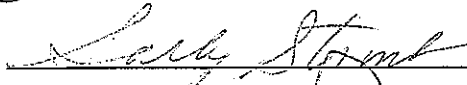
Bradley Maine
November 1, 2006

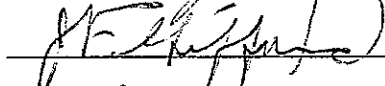
Pursuant to 30-A M.R.S.A § 2528 (5), we have notified the inhabitants of said Town of Bradley of a public hearing, to be held at said time and place, and for the purposes herein named, by posting a copy of said notice in said Town, being a public and conspicuous place (s) in said Town on the 19 day of October, being at least seven days before the hearing.

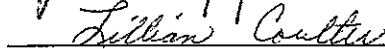
Municipal Officers of Bradley











State of Maine


Penobscot, ss

Then personally appeared before me the above-name Audrey Wilcox, J. Frederick Gifford, Oscar Emerson, Lillian Coulter, and Sally Strout, known to me (or, who satisfactorily identified him/herself to me) and swore that the representations set forth in the above Return of Notice are true of their own knowledge; and acknowledged the signatures appearing thereon to be theirs and that they executed the Return of their own free will (and who signed the above Return in my presence).

Date



Notary Public



Printed name of Notary Public
Commission expires