

# Chapter 11

## Culvert and Driveway Entrance Ordinance



**Town of Bradley**  
**Town Culvert and Driveway Entrance Ordinance**

THE TOWN OF BRADLEY HEREBY ORDAINS that the following ordinance shall be adopted to govern the installation of culverts and driveway entrances that border onto town public ways.

**Article 1: Title and Purpose**

This ordinance shall be known and may be cited as the “Culvert and Driveway Entrance 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 all culverts and all driveway entrances that enter onto town public ways. This includes temporary culverts and driveway entrances. This Ordinance is not applicable to culverts or driveway entrances entering onto State Highway or onto private ways. The Town of Bradley wishes to ensure the proper issuance of permits, and the installation and sizing of culverts and driveway entrances located on town public ways to protect the drainage and roads of the Town of Bradley, as well as the health, safety, and welfare of its residents.

**Article 2: Definitions**

- A. TOWN PUBLIC WAY is defined as a road accepted as a town road by the Town of Bradley Town Council and is maintained with funds from the Town of Bradley municipal budget which is approved by its voters.
- B. TOWN AGENT is defined as the administer of this Ordinance and shall be duly appointed by the Town Council.
- C. DRIVEWAY ENTRANCE is defined as a driveway, road, field road or other avenue of vehicular travel that runs through any part of a private parcel of land and that connects or will connect to a town public way at the property boundary.
- D. SIGHT DISTANCE is defined as ten feet for each mile per hour of the posted speed limit in either direction for that section of town public way from a height approximating the sitting height in a standard automobile and ten feet back from the pavement of the town public way.

**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 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 and driveway entrances installed or constructed in the town public way.

#### **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: Repeal of Prior Ordinance**

The Town of Bradley Town Culvert Ordinance dated November 1, 2006 and the Town of Bradley Townway Entrance Ordinance dated April 1, 1991 with all amendments thereto will be repealed with the adoption of this Ordinance.

#### **Article 8: Permits**

##### **A. Town Public Way:**

No person shall construct, modify or install a culvert(s) or driveway entrance within the town public way without first securing a permit to do so from the Town Agent. The code enforcement officer shall not issue building or other developmental permits until a culvert and driveway entrance permit is obtained. A proper culvert and driveway entrance must be installed/constructed prior to any work being commenced on any property bordering the town public way.

##### **B. Temporary Driveway Entrance and Culverts:**

Temporary driveway entrances and temporary culvert installation are subject to the regulations set forth in the Ordinance. Any temporary driveway entrance or culvert must be removed within 60 days unless approved by the Town Agent. Used culverts may be utilized for temporary driveway entrances.

##### **C. Permit Application Review:**

The Town Agent shall have no less than seven (7) business days to make review of the permit application for material and design requirements. The applicant/property owner shall have clearly marked the desired location on the application.

The property owner/applicant must notify the Town Agent within five (5) business days from the completion of the installation of the culvert and driveway entrance.

**D. Permit Form:**

The permit is designed to ensure proper compliance with the ordinances of the Town of Bradley.

**E. Permit Fees:**

Persons making application for a permit shall be subject to a fee as approved by the Town Council and set forth in the fee schedule.

**F. 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.

**Article 9: Culverts:**

**A. Responsibilities**

**Property Owner responsibility**

It shall also be the responsibility of the property owner/applicant to pay for and install the first culvert on a town public way. The property owner/applicant shall keep the culvert free of obstruction and report any problems with the culvert such as worn surface gravel or drainage issues.

Should the property owner/applicant willfully and or negligently dump leaves, other debris, plow snow and or ice into the ditch over the end of the culvert, which disrupts the flow of water, the property owner/applicant shall be responsible for the cost of correction if the town has to clear the culvert or if a blocked culvert causes damage to the roadway.

**Town Responsibility**

It shall be the responsibility of the Town to replace or reset all culverts after the first culvert is installed. The need for replacement or reset is to be determined by the Town. The Town will not be obligated to replace or reset a culvert if it was incorrectly installed, not of the correct type as required under this Ordinance, or damaged through the negligence of the property owners, or the property 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 public way. The Town will determine what the suitable surface replacement will be, the Town will not be responsible for re-pavement of driveways as a result of culvert replacement or reset.

**B. Standards**

Culverts are required at all driveway entrances, curb cuts, and town public way. It may be determined by the Town Agent at the time of application that a culvert is not required. If it is determined that a culvert is not required at the time of application for a permit, 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 property owner/applicant to pay for the installation and the cost of the first culvert in these cases.

**1. Types of culverts allowed.**

Use of used culverts for is prohibited for any installation other than temporary installation or construction.

- 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.

- a. The minimum diameter of all driveway culverts will be 15 inches.
- b. The length of the culvert will be determined by the Town Agent using the width of the driveway entrance as designed in accordance with this Ordinance as the basis.

**3. Culvert Installation**

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

- a. Culverts shall be installed at the bottom of the ditch line. Drainage in the town's side ditches shall not be altered or impaired.
- b. Appropriate cover is to be determined by Town Agent, and will be noted on the permit by said agent.
- c. 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.
- d. 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" diameter rocks or equivalent.
- e. 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.
- f. Damage to town public way as determined by the Town Agent caused by culvert installation will be repaired at the property owner/applicants expense.
- g. It is the property owner/applicant's responsibility to clean up the tracking of soil, gravel, vegetation or other material onto the town public way that occurs due to the culvert installation.
- h. Within 5 business day of completion of the installation, it is the responsibility of the property owner/applicant to contact the Town Agent to inspect.

## **Article 10: Driveway Entrance**

Any driveway entrances constructed is for the purpose of securing access to property. No driveway entrance constructed on the town public way as an exercise of the permit shall be relocated or its dimensions altered without written permission of the Town Agent.

### **A. Responsibilities.**

#### **Property Owner/Applicant Responsibility**

It shall also be the responsibility of the property owner/applicant to pay for and install the driveway entrance on the town public way. It shall also be the responsibility of the property owner/applicant, 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. A copy of this permit must be supplied to the Town Agent prior to obtaining a building, land use permit or any other pertinent permit for this property.

### **B. Standards**

- a. All driveway entrances shall be so located that vehicles approaching or using the town public way will be able to obtain adequate sight distance in both directions along the town public way, so they may maneuver safely without interference with traffic.
- b. Occupancy of the town public way and is prohibited.
- c. To the greatest extent possible, the grade of the driveway entrance shall slope away from the town public way surface. Surface drainage shall be provided so that all surface water on the areas adjacent to the town public way shall be carried away from the town public way.
- d. All driveway entrances shall be constructed so that they shall not interfere with the drainage of the road, side ditches and roadside areas.
- e. All driveway entrances shall be graded and constructed in such a manner that no storm water or surface drainage is discharged on to the town public way.
- f. All driveway entrances apron shall extend out into the town public way further than the town public way edge or face of the curb.
- g. Drainage in the town public way ditches shall not be altered or impaired.
- h. Damage to the town public way as determined by the Town Agent caused due to the construction of the driveway entrance will be repaired at the property owner/applicants expense.
- i. It is the property owner/applicants responsibility to clean up the tracking of soil, gravel, vegetation or other material onto the town public way that occurs due to the driveway entrance construction.

## **Article 11: Enforcement**

The Town Agent shall be responsible for the enforcement of this Ordinance pursuant to the provisions of 30-A MRSA § 4452 sub § 1.

### **Article 12: Penalties**

Failure to comply with any provision of this Ordinance may cause the violator to be liable for civil penalties as set forth in 30-A MRSA § 4452 sub §3, plus the payment of the Town's reasonable attorney fees and costs incurred in bringing suit and may also require the removal of any illegally constructed entrances and/or culverts at the property owners expense. If it is determined that a culvert installation was not designed or 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 property owner. The property owner/applicant shall reimburse the Town for any costs borne by it due to the property owner's noncompliance with the requirements of this Ordinance. Driveway entrances constructed in violation of this Ordinance that cause damage to a town public way, will subject the property owner/applicant to liability for payment of reasonable roadway repairs.

### **Article 13: Appeals**

Any applicant who has applied for a 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 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 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. If the Town Agent's decision prevails, any fines shall be accrued from the initial date of violation notice.





# TOWN OF BRADLEY

## PERMIT APPLICATION

### CULVERT & DRIVEWAY ENTRANCE



<b><u>PROPERTY OWNER'S NAME</u></b>			
<b><u>MAILING ADDRESS</u></b>		<b><u>Map Lot</u></b>	
PROPERTY ADDRESS			
TELEPHONE	HOME	WORK	
AGENT		ADDRESS	PHONE

In accordance with the Town of Bradley Culvert Ordinance and Town-way Entrance Ordinance, application is hereby made to (Check all that apply.)

- Create an entrance/driveway (Including a change of use) (Include DOT permit if on Main St.)
- Install a culvert(s) at the entrance to my property on the (specify: north, south-east, etc.) \_\_\_\_\_ side of the traveled way named above,
- or other use (specify) \_\_\_\_\_.

PROJECT DESCRIPTION: (Please describe the proposed activity)

Proposed width of opening \_\_\_\_\_ ft.

Total proposed linear length of driveway from end to end \_\_\_\_\_ ft.

Surface of the driveway will be gravel  bituminous asphalt,  other  (describe)

Surface of the abutting roadway is gravel  bituminous asphalt,  other  (describe)

Other information:

CULVERT SIZE: NORMAL: 15" DIAMETER, 24' LENGTH. or: \_\_\_\_\_.

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 a 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, in writing, by the Authority granting the permit.

I certify that I have read and understand all the details of the TOWN OF BRADLEY CULVERT AND DRIVEWAY ENTRANCE ORDINANCE (Available at the Town Office)..

I understand that my signature grants permission and gives my express consent for the Town Agent and Road Commissioner or his/her agent(s) of the Town of Bradley to enter upon my property for the purpose of performing inspections, during normal business 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 I understand all of the above.

**SIGNATURE** \* \_\_\_\_\_ **DATE** \_\_\_\_\_

Owner       Agent

\*\*\* PLEASE ALSO COMPLETE THE REVERSE SIDE OF THIS APPLICATION & SIGN BOTH SIDES.

