

PRIVATE ROAD AND DRIVEWAY ENTRANCE ORDINANCE
FOR THE TOWN OF STEUBEN

1. PURPOSE.

Uncontrolled private road and driveway entrances to public roads constitute a threat to the health, safety, and welfare of the public. Driveways which are not properly placed or constructed cause serious drainage problems and interfere with the ability of the municipality to maintain the roads in a safe and passable condition. The purpose of this ordinance is to protect the public by creating a uniform process for construction of new private roads and driveways where they enter onto town roads.

2. AUTHORITY AND ADMINISTRATION.

A. This ordinance is adopted pursuant to Home Rule Powers as provided for in Article VII, part 2, Section 1, of the Constitution of the State of Maine and Title 30-A MRSA 3001.

B. The Selectmen, or their appointee(s), or the Road Commissioner(s), shall administer this Ordinance.

3. DEFINITIONS.

A. OWNER. An owner, for the purposes of this Ordinance includes an individual, corporation, partnership, association, trust, estate, joint venture, club, or any other type of group or entity, and includes the plural of these as well as the singular and male as well as female, where appropriate.

B. PRIVATE ROAD OR DRIVEWAY. A private road or driveway is an area on the owner's land which is used for vehicular travel.

C. TOWN ROAD. A town road is a public road maintained by the town.

D. ENTRANCE. An entrance, for the purposes of this ordinance, is defined as the meeting of a private road or driveway with a town road.

4. PERMIT REQUIRED.

No owner may construct or establish, or allow construction or establishment of a private road or driveway entrance onto a town road, without first obtaining an entrance permit from the permitting authority, which is the Selectmen, their appointee(s), or the Road Commissioner(s). The owner shall consult with the permitting authority as to standards of construction for his/her installation, and those standards shall be written on the permit.

5. LIFE OF PERMIT.

The entrance permit for construction or establishment shall remain in effect for one year, or until a change is made to the town road in the area of the entrance, whichever comes sooner.

6. APPLICABILITY.

This Ordinance shall apply to all new private roads and driveways where they enter onto town roads, regardless of whether the entrance occurs on the owner's land or on the right of way of the town road. Entrances onto State roads is to be governed by State laws for such entrances.

7. OTHER ORDINANCES AND LAWS.

Where there is a conflict between the provisions of this Ordinance and other applicable Federal, State, or Local laws, the more restrictive shall apply.

8. SEVERABILITY.

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

9. APPEAL.

Any party aggrieved by this Ordinance may appeal any decision of the Selectmen, or their appointee(s), or the Road Commissioner(s), to the Town of Steuben Board of Appeals. Appeal procedure is as set forth in the Board of Appeals Ordinance for the Town of Steuben, as amended.

10. AMENDMENTS.

This Ordinance may be amended by majority vote of the legislative body.

11. EFFECTIVE DATE

The effective date of this Ordinance is March 8, 1997.

12. STANDARDS OF CONSTRUCTION.

A. The surface of the road or driveway is to be crowned or shaped in a manner to direct the flow of run-off toward the town road ditch if one is present, and/or away from the travel way of the town road.

B. If a culvert is required, the material shall be galvanized steel, aluminum, plastic, concrete, or some other material listed in MDOT recommendations for culverts. The diameter, length, material of construction, and gauge of material if applicable, and the location of the culvert particularly as to depth, shall all be specified on the permit.

13. CONSTRUCTION OR ESTABLISHMENT.

The entrance shall be constructed or established to the satisfaction of the permitting authority. The owner shall at the owner's expense provide and install the entrance, including the culvert if required. If a culvert is installed, the Town shall be responsible for the maintenance, repair, and replacement of the culvert thereafter.

14. ENFORCEMENT AND PENALTIES.

The selectmen have the authority to enforce this ordinance. Any owner who constructs or establishes an entrance without the necessary permit, or any owner who allows the construction or establishment of an entrance on his or her land without a permit, or any owner who constructs or establishes an entrance not to the satisfaction of the permitting authority, shall be liable for a minimum fine of \$100.00 and a maximum fine of \$500.00, which shall accrue to the Town. The Town may also seek equitable relief including but not limited to an injunction preventing the use of either an unpermitted entrance or an entrance that is not constructed to the satisfaction of the permitting authority. In addition to the fine, the violator is also responsible for the Town's court costs and reasonable attorney's fees if the Town prevails in a civil action.

Second Amendment to the Board of Appeals Ordinance.

2nd Amendment

Add the following subsection to section V-A 4, Powers and Limitations:

i. rendered by the Selectmen, their appointee(s), or the Road Commissioner(s) pursuant to the "Private Road and Driveway Entrance Ordinance for the Town of Steuben".