

ORDINANCE

REGULATING USE OF TOWN ROADWAYS AND CONSTRUCTION OF ABUTTING PRIVATE ROADWAYS AND DRIVES

TOWN OF SHERMAN CODE OF ORDINANCES NO. ~~96~~ 1.20

WHEREAS, the Board of Supervisors the Town of Sherman recognizes that the deterioration of Town roadways poses a substantial risk of harm to the continued safety, welfare, health, and future of its citizens, and is aware that continued entrance upon and exit from Town roadways by motor vehicles, via improperly constructed abutting roadways and drives contributes to the deterioration of Town roadways;

NOW, THEREFORE, the Board of Supervisors of the Town of Sherman does hereby ordain and establish the following Ordinance:

SECTION 1: ACCESS TO AND USE OF TOWN ROADWAYS

A. No person may operate, cause to be operated, or permit the operation of, a motor vehicle or equipment intended for commercial, construction or agricultural use, onto a Town Roadway from an abutting private roadway, logging road, or drive, or onto a private roadway or drive from an abutting Town roadway, on a repeated basis, i.e., cumulatively, in excess of two (2) times in a period of one (1) week, unless he or she has first obtained a Town Road Access Permit from the Town of Sherman. Said Permit shall not be issued unless an apron is first constructed at the juncture of said private roadway or drive with said Town roadway, of appropriate material, and of a height not less than that of said abutting Town roadway. Only one said Permit per private roadway or drive shall be required.

B. No person may operate, cause to be operated, or permit the operation of, any motor vehicle or motorized construction or agricultural equipment onto a Town Roadway from an abutting private roadway, logging road or drive constructed after the effective date of this Ordinance, or onto a private roadway or drive constructed after the effective date of this Ordinance from an abutting Town roadway, on a repeated basis, i.e., cumulatively, in excess of two (2) times in a period of one (1) week, unless he or she has first obtained a Town Road Access Permit from the Town of Sherman. Only one said Permit per private roadway or drive shall be required.

SECTION 2: CONSTRUCTION OF PRIVATE ROADWAYS AND DRIVES

A. Every private roadway, logging road or drive constructed after the effective date of this Ordinance, to abut a Town roadway, must include an apron at its juncture with said Town roadway, constructed of appropriate material, which juncture apron shall be of a height not less than that of the abutting Town roadway. Inclusion of said juncture apron, as specified herein, shall be the joint and several responsibility of the person or entity constructing the private roadway or drive, and the person or entity causing the construction of said private roadway or drive.

B. Every logging road, currently in use or constructed after the effective date of this Ordinance, which abuts a Town roadway, must include an apron at its juncture with said Town roadway, constructed of appropriate material, which juncture apron shall be of a height not less than that of the abutting Town roadway. Inclusion of said juncture apron, as specified herein, shall be the joint and several responsibility of the person or entity constructing the private roadway or drive, and the person or entity causing the construction of said private roadway or drive.

C. Upon issuance of a Town Road Access Permit for a private roadway, logging road or drive abutting a Town Roadway, the apron at the juncture of said private roadway or drive shall be maintained in a manner consistent with this Ordinance, such that the height of said juncture apron shall remain not less than that of the abutting Town roadway.

SECTION 3: TOWN ROAD ACCESS PERMIT AND INSPECTION

Upon filing of an application for a Town Road Access Permit and payment of an application and inspection fee in the amount of \$25.00 to the Town Clerk, the Town Chairman or his designee shall inspect the juncture apron that is the subject of said application. If the same is in compliance with this Ordinance, the Town Chairman or his designee shall issue a Town Road Access Permit.

SECTION 4: PENALTIES

A. Any person or entity violating any of the provisions of Sections 1(A-B) or 2(A) shall forfeit not more than \$200.00 for said violation, plus not more than \$100.00 per day for each day said violation continues, from the date of notification of said violation by the Town Clerk, or issuance of a citation for said violation.

B. Violation of Section 2(B) shall result in revocation, by a majority vote of the members of the Board of Supervisors, of the Town Road Access Permit issued in relation to the unmaintained juncture apron.

SECTION 5: EFFECTIVE DATE

This Ordinance shall take effect after passage and publication as required by law.

Moved by Board Member Robert M. Borge Jr.

Seconded by Board Member William Lindsay

Ordinance declared adopted this 12 day of August, 1998.

BY:

E. Borge Borgiasz, Chairman
E. BORGI BORGIASZ, Chairman

ATTEST:

Eileen Lake
EILEEN LAKE, Clerk