

TOWN OF GLOVER, VERMONT

ORDINANCE 10.3 — Private Roads and Driveways (Civil)

SECTION 1: PURPOSE and AUTHORITY

This Ordinance is adopted pursuant to 24 V.S.A. §§ 1971–1977 and 2291, and 19 V.S.A. §§ 901 et seq. and § 1111, which authorize municipalities to regulate the use of town highway rights-of-way, including driveway access, drainage, and related improvements, and to adopt rules necessary to protect public safety and the integrity of public infrastructure.

The purpose of this Ordinance is to establish the minimum requirements to safeguard public safety, health, and general welfare for access points and water management infrastructure within the Town's rights-of-way.

SECTION 2: DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the meanings ascribed to them:

**Private Road:** A privately owned and maintained road or right-of-way that provides vehicular access from a Town or State highway to two or more principal uses, lots, or dwellings, including any road recognized or designated as a private road as of the date of adoption of this Ordinance.

**Driveway:** A privately owned and maintained access, whether by easement or right-of-way, that provides vehicular access from a Town or State highway to a single principal use, lot, or dwelling.

**Culvert:** A commercially manufactured pipe (commonly reinforced plastic, metal, or concrete) designed to move water from one location to another, either parallel or perpendicular to a road, driveway, trail, or path.

**Vehicle/Equipment:** Any mode of transportation, including pickup trucks and dump trucks. Equipment refers to any machinery with specific tasks, such as excavators, loaders, boring machines, chippers, trailers, or dozers.

SECTION 3: SCOPE

A. Applicability: This Ordinance shall apply to the construction, modification, maintenance, and use of all Private Roads and Driveways within the Town of Glover.

B. Exclusions: This Ordinance shall not be construed to impose a duty or responsibility upon the Town of Glover for the maintenance, improvement, or snow removal of any private road or driveway. It further does not affect any private easements or agreements between landowners

regarding shared access, except that such access points must comply with the minimum standards established herein. The Town explicitly retains its road policies concerning municipal maintenance responsibilities on Class 4 roads and trails. Issuance of a permit does not relieve the applicant of responsibility for compliance with all applicable laws, nor does it create any duty on the part of the Town to maintain the permitted work.

#### SECTION 4: REQUIREMENTS

A. Permitting: No person shall construct, install, alter, regrade, resurface, or otherwise perform any work within a Town highway right-of-way, including but not limited to the installation or modification of a private road, driveway, or culvert, without first obtaining a written permit from the Town.

Permit applications shall be submitted to the Town Clerk on forms provided by the Town and shall include sufficient information to allow review of the proposed work, including location, dimensions, drainage provisions, and such additional information as may be required.

Permit applications shall be reviewed and approved, approved with conditions, or denied by the Selectboard or its designee. The Town may impose reasonable conditions necessary to protect public safety, drainage, and the integrity of the highway and right-of-way.

All work shall comply with the requirements of this Ordinance and any conditions of the approved permit. The Town may inspect the work at any reasonable time during construction and upon completion to ensure compliance with the permit and this Ordinance.

Permits are valid for up to one (1) year. If the permitted project is not completed within one year of issuance, the permit becomes void, and a new application must be submitted. The Town may suspend or revoke a permit for failure to comply with the terms of the permit or this Ordinance.

B. Culverts and Water Flow: All culvert installation or modification within a Town highway right-of-way shall require a permit in accordance with Section 4.A of this Ordinance. The property owner shall be solely responsible for the installation, maintenance, repair, and replacement of any culvert or drainage structure associated with a private road or driveway within or affecting the Town highway right-of-way, regardless of who originally installed such structure.

Culverts shall be of sufficient size, length, and material to accommodate existing and anticipated drainage conditions, as determined by the Selectboard or its designee. Unless otherwise approved, driveway culverts shall have a minimum length of twenty (20) feet and a minimum diameter of fifteen (15) inches.

Culverts shall be installed at proper grade and alignment to maintain drainage patterns and to prevent erosion, sedimentation, or obstruction of water flow. Culverts and associated drainage

structures shall be kept open, functional, and free of debris at all times. Failure to properly maintain such structures shall constitute a violation of this Ordinance.

C. Damage and Maintenance: If a culvert or drainage condition is determined by the Town to be inadequate, improperly installed, or causing or likely to cause damage to a Town highway or right-of-way, the Town may require the property owner to correct the condition within a reasonable time specified in writing. If the property owner fails to correct a deficiency after written notice, or in the event of an emergency, the Town may perform such work as it deems necessary to protect public safety and the integrity of the highway.

All costs incurred by the Town shall be the responsibility of the property owner and may be recovered in accordance with this Ordinance. The cost of any work performed by the Town shall be billed to the property owner on a time and materials basis. Materials shall be billed at actual cost. Labor shall be billed at a rate of one hundred dollars (\$100.00) per hour per person, and Town vehicles and equipment shall be billed at a rate of two hundred fifty dollars (\$250.00) per hour per unit. A minimum charge of two (2) hours shall apply to both labor and equipment.

#### SECTION 5: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

#### SECTION 6: ENFORCEMENT and PENALTIES

This Ordinance shall be enforced as a civil ordinance pursuant to 24 V.S.A. §§ 1971–1977. This Ordinance may be enforced by the Road Commissioner, Road Foreman, or any other Town official designated by the Selectboard as an enforcement official.

A person who violates any provision of this Ordinance shall be subject to a civil penalty of not more than eight hundred dollars (\$800.00) per violation with a waiver penalty of not more than five hundred dollars (\$500.00) per violation. Each day that a violation continues shall constitute a separate violation. Civil violations of this Ordinance may be brought before the Judicial Bureau in accordance with 4 V.S.A. Chapter 29 and 24 V.S.A. § 1974a or before the Superior Court.

In addition to the penalties provided herein, the Town may seek injunctive relief or other appropriate action in Superior Court to enforce this Ordinance or to require correction of any violation. The Town may recover all costs incurred in remedying a violation, including administrative, labor, equipment, and legal costs, in addition to any civil penalties imposed.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

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Selectboard

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