

2007

COPY

**TOWN OF GUILFORD
HIGHWAY ORDINANCE**

SECTION I -NEW HIGHWAY STANDARDS

This section is adopted under authority of 19 VSA Chapter 3, 19 VSA Section 1111, 23 VSA 1007 and 24 VSA Section 1971. This ordinance is designated as a Civil Ordinance pursuant to 24 V.S.A. ~1971(b).

DEFINITION

ISSUING MUNICIPAL OFFICIAL. The official responsible for issuing a municipal complaint or ticket as designated by the Selectboard of Guilford, shall also include sheriffs, local and state police officers, and motor vehicle inspectors.

The Selectboard has determined that the best interests of the Town dictate that proposed roads to be accepted by the town as town highways should conform to certain basic and minimum standards in order to protect the health, safety and welfare of the townspeople. The Selectboard reserves the right to require other reasonable conditions to protect the townspeople for acceptance and are under no obligations to accept a proposed road.

Prior to acceptance by the Town of Guilford of any proposed street or road, blueprints and specifications for such proposed street or road shall be filed with the Guilford Town Clerk by the developer. A road shall not be accepted as a town highway during the period between November 1st and May 1st. Any or all concerned individuals are urged to consult with the Selectboard about these matters as the new highways are built and before final acceptance is made.

Minimum specifications are:

1. The right-of-way shall be a minimum of 50 feet in width. The traveled portion of the road is to be in the center of right-of-way.
2. The right-of-way shall be cleared of all stumps, brush and trash. All trees less than 24 feet from the center line of the road shall be removed.
3. The traveled surface, that is the usable road itself, shall have a minimum width of 24 feet.
4. In addition to #3 above, a minimum of two-foot wide shoulders shall be provided on each side of the road. These shoulders need not be at the same level as the traveled surface, but must be safe to drive on. Where feasible, shoulders shall be four-foot wide to enable the safe passage of pedestrians and bicycles.
5. The gravel road shall consist of a total of 12 inches of bank run gravel, plus six inches of screened or crushed surface gravel with a maximum of 1 1/2" aggregate.

6. Adequate ditches, culverts, culvert headers and drainage shall be installed. These are to be approved by the Selectboard with the advice of the Road Commissioner. Minimum culvert size shall be 18".
7. Road grades shall not be greater than 10% for distances under 100 yards and for distances over 100 yards the grade shall be no more than 8%. Sharp road curves shall be avoided.
8. Utility poles shall be at least 24 feet from the center of the road: Adequate guard rails or posts shall be installed at both ends of each culvert and anywhere else they are needed, as determined by the Selectboard with the advice of the Road Commissioner.
9. No financial compensation will be made by the town to obtain title to the right-of-way. Those seeking to secure acceptance of a road as a town road shall provide the Town of Guilford with a quit-claim deed to the proposed right-of-way and shall provide an official road survey to be recorded at the Town Clerk's Office.
10. Final acceptance as a town highway will take place in accordance with V.S.A. Title 19 Chapter 7 Subchapter 2.
11. No back slope less than 2 to 1 shall exist unless there is ledge. Distances between ditch and ledge set-back are to be determined by the Selectboard and the Road Commissioner.
12. All dead-end roads shall have adequate turn-arounds for town equipment and other vehicles. A clause in the deed to protect the town from all damages, which might occur to lawns, fences, trees, etc., in the use of these turn around spaces shall be required.
13. Any specification herein which will result in unusual hardship may be modified at the discretion of the Selectboard.
14. The developer is required to obtain any required permits, permission or state approvals for construction.

SECTION II -REGULATIONS GOVERNING TOWN TRAILS AND PENT ROADS

Pursuant to 19 V.S.A. Section 301 and 19 VSA 304(a)(5) the following definitions are adopted:

1. "Pent road" is any town highway which, by written allowance of the Selectboard, is enclosed and occupied by the adjoining landowner with unlocked stiles, gates and bars in such places as the Selectboard designate.

2. "Trail" means a public right-of-way which is not a highway and which previously was a designated town highway having the same width as the designated town highway, or a lesser width if so designated; or a new public right-of-way laid out as a trail by the Selectboard for the purpose of providing access to abutting properties or for recreational use.

3. Nothing in this section shall be deemed to independently authorize the condemnation of land for recreational purposes or to affect the authority of the Selectboard to reasonably regulate the uses of recreational trails.

Pursuant to 19 V.S.A. Section 304(a)(5), the following regulations governing the use of Town Trails and Pent Roads are adopted:

1. No person shall modify, upgrade, change the drainage on, or otherwise improve a town trail or pent road without first obtaining written permission from the Guilford Selectboard and having it recorded with the Town Clerk.

2. Any construction, repair or maintenance work performed on a town trail or pent road shall be at the risk of the person granted written permission by the Selectboard, and that person shall be responsible for any and all consequences of their actions.

3. No person shall put up gates, bars or stiles, or otherwise obstruct a town trail or pent road, without first obtaining written permission from the Guilford Selectboard and having it recorded with the Town Clerk.

4. No person shall erect a building which will require use of or in fact use a town trail or pent road for purposes of access, without first obtaining written permission from the Guilford Selectboard and having it recorded with the Town Clerk.

5. No person shall subdivide land so as to create one or more lots requiring access by way of a town trail or pent road, without first obtaining written permission from the Selectboard and having it recorded with the Town Clerk.

6. No person shall construct an access road entering upon a town trail or pent road without first obtaining written permission from the Selectboard and having it recorded with the Town Clerk.

7. Any person doing any building, development or subdivision on or adjacent to a town trail or pent road may be required to bring that portion of the town trail or pent road being used by such building, development or subdivision up to Town of Guilford Road Specifications, if the Board deems this to be necessary.

8. Any person who violates subsections 1 through 7 shall be fined or pay the specified waiver fee for each violation at amounts as shall be established by the Selectboard Fee Schedule. No action shall be brought hereunder unless the alleged violator has been given notice of the violation by certified mail of a municipal complaint or delivered by an official municipal officer. Each day in which the violation continues after receipt of such

notice shall constitute a separate violation. The complaint must be signed by an issuing municipal official.

SECTION III -CLASS 4 TOWN ROAD POLICY

1. The Town will provide no maintenance or improvements to class 4 roads except that by decision of the Selectboard in consideration of safety and the necessity of the town and public good.
2. The town will provide no maintenance or improvements on any road classified lower than Class 4 town road such as trails. In any request for upgrading a Class 4 town road to a Class 3 town road the Town requires the petitioner of the Class 4 road to pay all of the improvement costs to bring the road up to the town standards for Class 3 roads.
3. Petitions for upgrading a class 4 road to a class 3 must be submitted to the Board at least 120 days before any anticipated construction.

POLICY PROCEDURE

Any changes in classification of town highways shall be done according to the procedures in 19 VSA Chapter 7, subchapter 2. LAYING OUT, ALTERING, RECLASSIFYING OR DISCONTINUING HIGHWAYS BY PETITION TO SELECTMEN.

Results of any petition hearings will be recorded at the next Selectboard meeting following the hearing.

SECTION IV -DRIVEWAY STANDARDS

Driveways or secondary approaches will be constructed as follows:

1. Each lot owner, prior to connecting to a town highway, will obtain a permit from the Road Commissioner with the approval of the Selectboard. A fee to be set by the Selectboard is required.
2. No drainage from driveways shall be permitted onto the town highway. The need for a culvert in the Town's right-of-way shall be determined by the Road Commissioner. The culvert diameter, length and placement shall also be determined by the Road Commissioner.
3. The purchase and placement of said culverts shall be the responsibility of the lot owner. After installation, the repair and maintenance of culverts shall be the responsibility of the Town of Guilford.
4. The line of sight or sight distance to the right and left of the driveway will be 200 feet.

5. No driveway may be constructed or maintained in such a way as to affect the grade of the highway, or to obstruct a ditch, culvert or drainage course that drains the highway. (19 VSA 1111(b)).

6. Driveways will intercept town roads at a 75 to 90 degree angle and will slope downward from the highway one half inch per foot for a minimum of 5 feet.

7. Any specification herein which will result in an unusual hardship may be modified at the discretion of the Selectboard or Road Commissioner.

8. Enforcement: In the event any lot owner is not in compliance with the provisions of this ordinance or any permit issued here under, the Road Commissioner or Selectboard may suspend any permit under this section until compliance is obtained.

9. Any permit may be suspended by issuance of a Notice of Suspension, which shall be sent to the lot owner by certified mail, return receipt requested.

If there is continued use or activity after suspension, the Selectboard, on behalf of the Town, may physically close the driveway or access point if, in the opinion of the Selectboard, the safety of highway users is, or may be affected.

In addition to the provisions above, any lot owner who violates a provision of this section, or any permit issued hereunder, shall be fined or pay the specified waiver fee at amounts as shall be established by the Selectboard. Each week the violation continues shall constitute a separate offense. (19 VSA, Sec. 1111(g, h, i, j)). A municipal complaint shall be issued and must be signed by an issuing municipal official.

SECTION V - PUBLIC NOTICE AND IMPLEMENTATION

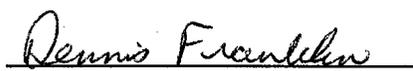
Public Notice: The Selectboard of the Town of Guilford shall make reasonable efforts to ensure that the public is notified of the existence of this Ordinance:

This Highway Ordinance shall be: 1) entered into the Guilford Records and 2) shall be posted in at least five (5) conspicuous places within the Town of Guilford, and 3) the full text of the Ordinance or a concise summary of it published in the Brattleboro Reformer not more than fourteen (14) days following the date specified below when this ordinance is adopted.

This Ordinance is hereby adopted by the Selectboard of the Town of Guilford on this 13th day of August, 2007 and shall, unless a petition is filed as provided by law, become effective upon the expiration of sixty (60) days after said date.


RICHARD CLARK, CHAIR


ANNE RIDER


DENNIS FRANKLIN

BOARD OF SELECTMEN
TOWN OF GUILFORD