

TOWN OF ISLAND FALLS

CULVERT INSTALLATION ORDINANCE

Adopted: 11/29/2017

Section 1. TITLE

This Ordinance shall be known as the “Town of Island Falls Driveway Entrance Ordinance”.

Section 2. AUTHORITY AND PURPOSE

This Ordinance is adopted under the general authority granted pursuant to and consistent with Article VIII-A of the Maine Constitution and Title 30-A Section 3001(Home Rule) to promote the public health, safety and general welfare of the community, to further the safe and orderly layout of driveways that enter onto Island Falls Roads, by establishing entrance standards for driveways that enter onto Town public ways. This Ordinance is not applicable to field roads or driveways entering onto State numbered highways or onto private ways.

Section 3. Anyone seeking to install a culvert, access any town road must file an application with the Town Office of Island Falls and obtain a permit and provide the culvert. The Road Commissioner(s) or the appointed designee will oversee the installation of the culvert.

If a homeowner or taxpayer prefers, he may install, replace, or reset a culvert at his own expense under the following conditions:

- 3.1 A homeowner or taxpayer may install, replace or reset a culvert by himself according to the Town’s specification; or
- 3.2 A homeowner or taxpayer may employ an individual or contractor to install, replace or reset a culvert according to the Town’s specifications.
- 3.3 Notwithstanding the other provisions of this policy, the Town of Island Falls will not be responsible for installing, replacing or resetting a culvert if the homeowner, taxpayer, his agents or assigns, cause the condition which necessitates that a culvert be installed, replaced or reset. The intent of this section is to place responsibility on the homeowner if he causes his own need for work to be performed, and to place responsibility on the Town if environmental or other uncontrollable factors cause the need for work to be performed.

- 3.4 All culverts shall also be a minimum of 12 inches in diameter; the Roads Commissioner may require that a larger diameter culvert be installed if he deems it necessary. All culverts, regardless of who they are installed by, should be set in gravel of good quality, and designed so as to allow the free flow of water through them. The area around the mouths of the culvert should be rocked-up or graded such as to prevent soil erosion.
- 3.5 A permit must be obtained from the Town Office before any culverts are installed.
- 3.6 This policy is effective immediately upon signing, and replaces any other policies the Town had in respect to driveway culverts.

Section 4. The permit shall provide the following information:

- 4.1 A designation of the location of the proposed culvert and/or access way.
- 4.2 The name or names of the owners of the land on which the culvert and/or access way is to be installed/located.
- 4.3 The diameter of the culvert and/or size of the access way.
- 4.4 The length of the culvert overall and the length of the culvert exposed on each side of the access way.
- 4.5 A certification that the culvert to be installed is new and has not been previously used.
- 4.6 Such additional information as may be required by the Selectpersons under the circumstances to assure adequate drainage and/or vehicle passage.

Section 5. No permit shall be issued under any of the following circumstances:

- 5.1 If the diameter of the proposed culvert is less than 12 inches.
- 5.2 If written consent of one or more owners of each parcel of land on which the culvert and/or access way is located, is not obtained; said land not being owned by the applicants.
- 5.3 If the culvert to be installed had been previously used.
- 5.4 If it appears to the Selectpersons that the proposed culvert and/or access way will not provide the adequate drainage.

If all of the above requirements are not satisfied, the Selectpersons shall issue a written denial of the permit.

Section 6. No culvert and/or access way shall be installed later than one year after the date the permit has been issued.

Section 7. REPLACEMENT

Whenever it is necessary to replace a culvert installed as indicated in Section 3, all costs associated with such replacement shall be borne by the Municipality of Island Falls. Culverts installed prior to the adoption of this ordinance shall be treated as the replacement of an authorized culvert. Island Falls limits responsibility for replacement costs to a maximum culvert length not to exceed 40 ft. Replacement costs for any culvert(s) exceeding 40 ft. shall be the responsibility of the property owner.

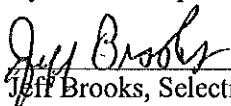
Section 8. Whosoever places or causes the placement of a culvert along a Municipal Road without obtaining prior written permission of the Selectpersons shall be liable for all costs associated with the removal of such culvert, if so ordered by the Board of Selectpersons. If after the placement of a culvert permission is asked for and granted the property owner shall pay a penalty of \$25.00 for each offense to the Town of Island Falls. In addition, the Town may recover its costs of prosecution, including reasonable attorney's fees. Failure to obtain written permission of the Board of Selectmen will result in the denial of a permit.

Section 9. Applications filed and true copies of permits issued, or denials of such permits, shall be retained by the Town for not less than five years after the date of issuance or denial.

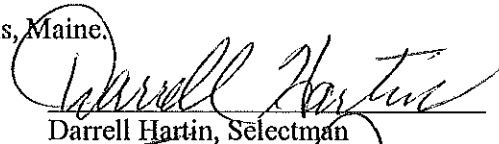
Section 10. This policy is effective immediately upon signing and replaces any other policies the Town has in respect to road openings and driveway/access culverts.

Dated this 29th day of November, 2017.

By the Municipal Officers of the Town of Island Falls, Maine.



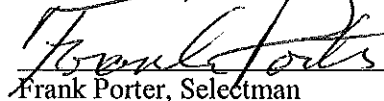
Jeff Brooks, Selectman, Chair




Darrell Hartin, Selectman



Frank Hill, Selectman

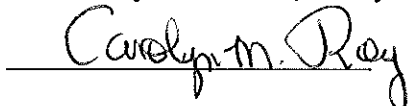


Frank Porter, Selectman



Anthony Bowers, Selectman

Certified by Town Clerk, Carolyn M. Roy



Carolyn M. Roy

TOWN OF ISLAND FALLS
PO BOX 100
ISLAND FALLS, ME 04747
Tel. 207/463-2246 Fax 207/463-2550

APPLICATION TO OPEN TOWN ROAD

NAME OF APPLICANT _____

ADDRESS OF APPLICANT _____

TELEPHONE# _____

OFF TOWN ROADWAY NAMED _____

SITE PLAN REQUIRED YES NO

TAX MAP _____ LOT _____

PROPOSED USE _____

PROPOSED LENGTH OF CULVERT _____

PROPOSED DIAMETER OF CULVERT _____

WORK TO BE DONE BY _____

AND TEL# _____

STARTING DATE _____

COMPLETION DATE _____

UTILITIES IN AREA: WATER / SEWER / TELEPHONE / ELECTRICAL

Are there any known utilities in the area of this opening? YES NO

NOTICE TO APPLICANT

M.R.S.A. Title 23 Sec. 3360-A Protection of Underground Facilities requires:

1. The contractor must notify DIG SAFE 1-888-DIG-SAFE at least 3 business days (72 actual hours) prior to opening roadway.

Your endorsement of this form certifies to the Board of Selectpersons of the Town of Island Falls that DIG-SAFE will be notified in accordance with the requirements listed above.

STATEMENT OF AGREEMENT

I understand that the Road Commissioner, Code Enforcement Officer and/or Selectpersons of the Town of Island Falls will measure the opening. I agree to be responsible for all FINAL RESTORATION of the affected area to the satisfaction of the Board of Selectpersons and/or Road Commissioner of the Town of Island Falls.

Signature of Applicant

Date